

COMMITTEE ON PUBLIC SAFETY

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CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON PUBLIC SAFETY

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June 9, 2020

Start: 10:17 a.m.

Recess: 8:00 p.m.

HELD AT: REMOTE HEARING (VIRTUAL ROOM 1)

B E F O R E: Donovan J. Richards,
Chairperson of the Committee on
Public Safety

COUNCIL MEMBERS:

Speaker Corey Johnson

Deborah Rose

Carlos Menchaca

Brad Lander

Robert Holden

Paul Vallone

Adrienne Adams

Ydanis Rodriguez

Rafael Salamanca

Andrew Cohen

Helen Rosenthal

Vanessa Gibson

Farah N. Louis

Fernando Cabrera

Andrew Cohen

Mark D. Levine

I.Daneek Miller

Francisco Moya

Keith Powers

Carlina Rivera

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COUNCIL MEMBERS (CONT.) :

Deborah Rose
Justin Brannan
Kalman Yeger
Jimmy Van Bramer

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A P P E A R A N C E S

Michael K. Williams

Spokesperson and partner to NYC Together

Benjamin Tucker

First Deputy Commissioner

Matthew Pontillo

Assistant Chief

Oleg Chernyavsky

Assistant Deputy Commissioner for Legal Matters

Shirley Aldebol

Vice President of SEIU Local 32BJ

Alexandra Zoni Rockoff

Staff Attorney in the Civil Action Practice at
the Bronx Defenders

Jamil Hamilton

Manager of Public Policy and Advocacy for the
National Alliance on Mental Illness of New York
City NAMI

Dr. Victoria Phillips

Albert Fox Cahn

Jessica New

Vincent Riggins

President of Brite Leadership Coalition East New
York

Naqiya Hussain

Jillian Primiano

ER nurse in Bushwick

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A P P E A R A N C E S (CONT.)

John Farnsworth

Alexandra Cardia
Eyewitness

Hira Mirza

Steve Coe
CEO of Community Access between 1979 and 2019

David Collier
Member of SEIU 32BJ

Amy Breen

Micaela E. Martinez
Assistant Professor at Columbia University

Ruth Lowenkron
Director of the Disability Justice Project at New
York Lawyers for the Public Interest

Jonathan Qualtere

Ben Batchelder

Samantha Hancox-Li

Marti Cummings

Ruvan
Independent journalist

Carla Rabinowitz
Project Coordinator of CCIT NYC

Vanessa Ferrell
Medical Doctor and a Public Health Professional

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A P P E A R A N C E S (CONT.)

Parisa Lynn

Michelle Ling

Charlie Monlouis Anderie

Maria Ordonez

Activist born and raised in West Harlem

Andre Richardson

Paulina Ramos

Brandon Nygard

Eric Yue

Tony Finder

Jenny Marashi

Lawyer with the Civil Rights Practice in the
Bronx

Viveca K. Licata

Ximena Flores

Lawyer

Derek Means

Mattie Barber-Bockelman

Josh Goldberg

Holly Gunder

Resident of District 1 in Manhattan

Sarah McEneaney

Resident in Brooklyn

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A P P E A R A N C E S (CONT.)

Miguel Rayos Velasquez
Resident of Crown Heights Brooklyn

Michael Herbig
Resident in East Flatbush

Jess La Bombalera
Resident in El Barrio, East Harlem

Alexandria Lockhart

Jay Cologne[SP?]

Ben Goldfarb

Sabrina Zurkuhlen

Helen Bolton

Anne Mattson

Sus Labowitz

Jesse Rose Krebs

Olivia Levine

Andrea Ferguson

Tim Race

Uriel Shlush-Reyna

Tevin Grant

Matthew Gehring

Michael Nusbaum

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A P P E A R A N C E S (CONT.)

Johanna Griesse

Robert Chaney

Eamon O'Connor

Michael Zurkuhlen

Daniel Johnson

Nadja Oerteit

Andrea Sofia Parejo

John Malf

Jack Bruml Norton

Towaki Komatsu

Samantha G.

Ziggy Leacock

Cici Mayer

Caitlin O'Connell

Ben Wolfson

Shara Ticku

Alexander Langadakis

David Moss

Theo Chino

Michael Nusbaum

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A P P E A R A N C E S (CONT.)

Alex Payne

Mads Shiver

Nagiya Hussain

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SERGEANT PEREZ: Sergeant at Arms, could you please start all of your recordings. Sergeant Lugo, could you please make your opening statement, thank you.

SERGEANT LUGO: Good morning everyone and welcome to today's remote New York City Council hearing of the Committee on Public Safety.

At this time, would all panelists please turn on their video. Again, at this time, would all panelists turn on their video. To minimize disruption, please place electronic devices to vibrate or silent. If you wish to submit testimony, you may do so at testimony@council.nyc.gov. Again, that's testimony@council.nyc.gov.

Thank you for your cooperation, we are ready to begin.

CHAIRPERSON RICHARDS: [GAVEL] Alright, thank you for joining our virtual hearing today on the NYPD enforcement of social distancing orders. First, I would like to acknowledge that we've been joined by the Speaker, Speaker Johnson. I would like to also acknowledge my other colleagues who have joined us so far today. Council Members Rose, Menchaca, Lander,

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Holden, Vallone, Adams, Speaker Johnson. Did I miss anybody else?

Let me just look at the panel and make sure I didn't miss anybody else. Lander, Holden, Vallone, Adams, Rodriguez, Salamanca, Cohen, and once again Speaker Johnson.

I'm going to turn it over to our Committee Counsel Daniel Ades to go over some procedural items and then we will begin.

COMMITTEE COUNSEL: Thank you. My name is Daniel Ades and I am Council to the Committee on Public Safety for the New York City Council.

Today's hearing is available in ASL on our website under live stream virtual room 2. Today, the Committee will hear the following legislation: Proposed Introduction 536-A sponsored by Council Member Lancman in relation to the chokeholds and other such restraints.

Proposed Introduction 721-A sponsored by the Public Advocate Mr. Williams in relation to respecting the right to record police activities. Proposed Introduction 760-A sponsored by Council Member Gibson in relation to an early intervention system.

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Preconsidered Introduction sponsored by Council Member Ampy-Samuel in relation to requiring visible shield number and rank designations. Proposed Resolution 27-A sponsored by Council Member Cabrera calling upon the New York State Legislature to pass and the Governor to sign A.6144 and S.6670A. Legislation that would establish the crime of strangulation in the first degree, disregard of banned employment procedures.

And finally, Preconsidered Resolution sponsored by Council Member Rivera, calling upon the United States Congress to pass and the President to sign the Eric Garner Excessive Use of Force Prevention Act of 2019, which would prevent police chokeholds and other tactics that result in asphyxiation.

Before we begin, I want to remind everyone that you will be on mute until you are called to testify, when you will be unmuted by the host.

I will be calling on panelists to testify. Please listen for your name to be called. I will be periodically announcing who the next panelist will be. We will hear from representatives from New York City Police Department as well as advocates and members of the public.

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2 Prior to the NYPD testimony, we expect to hear
3 from Michael K. Williams. After Mr. Williams
4 testimony will be the New York City Police Department
5 represented by First Deputy Commissioner Benjamin
6 Tucker, Assistant Chief Matthew Pontillo, and
7 Assistant Deputy Commissioner for Legal Matters Oleg
8 Chernyavsky.

9 During the hearing, if Council Members would like
10 to ask a question of the Administration or a specific
11 panelist, please use the Zoom hand raise function and
12 I will call on you in order.

13 We will be limiting Council Member questions to
14 five minutes for the first round, which includes the
15 time it takes to answer your questions. We will be
16 allowing a second round of questions for two minutes.

17 Thank you. I will now pass it back to Chair
18 Richards to give an opening statement.

19 CHAIRPERSON RICHARDS: Good morning. I am
20 Donovan Richards from the 31st District in Queens and
21 I am the Chair of the Committee on Public Safety.
22 Today, we are joined by the Speaker Corey Johnson,
23 Public Advocate Jumaane Williams, as well as my
24 colleagues who I've spoken about already and I will
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2 also acknowledge we've been joined by Council Member
3 Rosenthal.

4 For as long as I have been alive New Yorkers have
5 been told how they would be policed by the police.
6 We have been told how the NYPD has decided to balance
7 the interest of public safety and civil liberties.
8 Black and Brown New Yorkers have been told that
9 sacrificing our dignity, the sanctity of our homes
10 and our bodies, our rights, our equal protection
11 under the law, we were told that sacrificing those
12 things was worth the price of safety.

13 Today, just like the countless New Yorkers who
14 have taken to the streets for the last two weeks, we
15 are here to say that we don't accept that price and
16 we don't even want to buy it anymore.

17 Today, we question whether the activities of the
18 New York City Police Department which costs \$6
19 billion even truly makes us safer. Today, we are
20 going to remind the New York City Police Department
21 that they work for us. That we and not them, are the
22 ones who should be deciding how they will work for
23 us. Don't get me wrong, the NYPD employs tens of
24 thousands of dedicated hard working honorable public
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servants who come to our aid in our most desperate and difficult times.

When we need someone, they take the call and most of them do everything they can to help. I've said it before and I'll said it every time I Chair a hearing, this is not about those officers. They are part of our community. They have walked with us respectfully and peacefully. A few have even taken a knee with us, thank you Inspector Tavalaro.

This here is not about the officers who come in and treat people with respect and follow the law and work hard to make other people's lives better. But this is also not just about bad apples. Surely there are many and the Department has utterly failed to give me any confidence that it handles those officers appropriately. Part of the problem has been civil rights law 50-A, but a bigger part of the problem is the Departments refusal to call out bad behavior when we see it.

It's failure to say to the world when the world is watching, that was not appropriate conduct. It's failure to immediately and clearly signal to other officers that you can't treat people that way. But there is a bigger failure here and it's deeper than a

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1
2 few bad apples who abuse their authority. There is
3 something deeper, something systematic, something
4 that teaches too many officers to behave a certain
5 way around certain people.

6 Something that lets them believe they have the
7 authority to do things to our bodies when they feel
8 challenged. That allows them to treat members of the
9 public as somehow lesser than them and treat crime
10 suspects as somehow less than human.

11 Each incidents of abuse that goes viral is not
12 just an isolated incident. It tells us something
13 about your training, about your supervision, about
14 your accountability.

15 Think about Daniel Pantaleo and the moments
16 before he killed Eric Garner. That was an officer
17 who believed that the correct action to take was to
18 wrap his arm around the neck of another human being
19 and pull him to the ground over cigarette taxes, all
20 the while knowing there were people and cameras
21 watching.

22 Why did he think that was the right thing to do?
23 Because he was taught that he could and in fact he
24 was taught that he should. The same goes for the
25 officers in Minnesota who killed George Floyd. Why

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2 did they think they had the right to kneel on a man
3 who was face down on the ground begging for his life?

4 Take Francisco Garcia, who a few long weeks ago
5 stepped away from a social distancing arrest to slap
6 and beat a bystander who at worst mouthed off to him.
7 That happened in broad daylight. Why does that
8 officer feel empowered to act that way, as if there
9 were no consequences, as if he has the right. Because
10 he was taught that he has authority that must never
11 be challenged. A right to beat another man's body
12 over nothing. Pushing a young girl to the ground.
13 Pulling a mask down to pepper spray someone.

14 These are the things that are happening when they
15 know they are being watched and filmed. What do you
16 think is going on when they aren't? There is a
17 sickness in the culture of this Department and I want
18 to know if the people sitting before me understand
19 that it is on them to root it out. And speaking of
20 who is here today, where is the Commissioner? I do
21 see the man who maybe should be the Commissioner,
22 Deputy Commissioner Tucker. I have a tremendous
23 amount of respect for you and I am always glad to see
24 you because you tell it like it is.
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2 But Commissioner Shea had an opportunity to
3 answer for the actions of the Department in the
4 middle of a major crisis over the history of
5 racialized brutality in the city and he sends the
6 Black man who didn't get the job. That's just
7 shameful. You shouldn't have to answer for him today
8 or for the Mayor.

9 The Mayor who wrote into office on promises of
10 police reform and racial equality and completely
11 abandoned them once he got through the door. The
12 Mayor who repeatedly side stepped the excessive use
13 of force against people peacefully protesting
14 excessive use of force.

15 The Mayor who justifies every instance of
16 inappropriate police misconduct during these protests
17 by shifting the focus to looters. Mr. Mayor,
18 protestors are out here looking for racial justice,
19 not Nikes.

20 So, when we asked about the police crackdown on
21 protestors, we're not asking about the police
22 crackdown on looters. Stop trying to convolute the
23 conversation and let me just say that I, like
24 everyone else condemn any looting going on. Looters
25 are taking away from the movement we are trying to

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2 build, but by focusing on them when you should be
3 focusing on what protestors want, you are squandering
4 the opportunity to truly effectuate the change you
5 promised seven years ago and have not brought about.

6 What I want to hear today is not the can defense
7 of the Department that we've been hearing. I know
8 that some officers have gotten hurt and I know there
9 has been crime. I thank those officers for putting
10 themselves on the line to do their jobs, but there
11 aren't a lot of people saying the way you handled
12 those looters was inappropriate.

13 So, lets focus on what we are saying. I want you
14 to show me that you get it. That you hear what
15 people are saying. That you think fundamental
16 changes to the culture of the Department are
17 necessary from a wholesale revision on how you use
18 force to retraining on avoiding low level arrests to
19 complete reimagining how officers view their role
20 when they interact with the members of the public.
21 Yes, things have gotten better than they were ten
22 years ago but don't tell me that. Tell me that you
23 are listening. Tell me that you recognize that what
24 you have done is not good enough. Tell me that you
25 are willing to stop defending the mistakes of the

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2 past decades and the past few weeks and join me in
3 taking a stand in the public as well. Tell me what
4 you are going to change.

5 In a moment, I am going to pass things off to the
6 Speaker and I want to thank him for his leadership
7 and support on criminal justice issues. Corey, thank
8 you. You have not played the middle on this. You
9 have allowed this Committee to operate and to address
10 the disparities in policing way before the marching
11 was going on. I truly thank you for your partnership
12 in this endeavor.

13 But before I do, I am going to tell you what my
14 first question is because I want you to think about
15 it NYPD. I am going to ask you, what has the
16 Department done to make the people who are out there
17 protesting feel the way they do. Tell me what you
18 have gotten wrong and then tell me how you are going
19 to fix it.

20 That is my statement for today. I now yield to
21 the Speaker of the City Council, Speaker Corey
22 Johnson.

23 SPEAKER JOHNSON: Thank you Chair Richards for
24 your incredible leadership, not just over the last
25 few weeks but of course during your tenure of

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Chairing this Committee over the last two and a half years and I want to thank everyone for being here this morning.

I want to start by saying, I know that this hearing isn't enough and these bills are not enough. It is progress that is long overdue. We can give New Yorkers the right to go to court to enforce their rights. We can force the NYPD to do more to identify problematic officers. We can send a message that deadly techniques like chokeholds will not be tolerated. Passing these bills is a step. A step in the right direction. We have to go even further. These bills alone aren't going to bring the systemic changes that Chair Richards just spoke about.

So, you all have my commitment to keep going. We can start by delivering budget justice and making significant cuts to the NYPD budget and reinvesting that money in communities. We can begin by getting police out of our schools, out of homeless services, out of mental health. Police should not be the frontline first responders to every problem in New York City.

We need real alternatives to policing. As long as the sweeping mandate and the engrained long

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2 systemic racism of police departments and the NYPD
3 remains the same, there is no amount of reform that
4 will truly deliver justice. Let's follow the lead of
5 city's like Minneapolis. Let's re-envision and re-
6 imagine what policing looks like in New York City and
7 think of a new system. How we can change our system
8 and have something new. It's going to take a lot of
9 work to get there and we need to make sure that Black
10 people and communities of color are leading this work
11 every step of the way.

12 But if we want true change this time, the kind
13 that actually puts us on a path to a truly racially
14 equal society, then White New Yorkers like myself
15 need to do their own work in their own White
16 communities to confront and combat racism and racist
17 policies. It's easy and comfortable for some of us
18 to ignore the fact that we live in a racist society.
19 We pay attention to the protests while they are
20 happening. We will make changes around the margins
21 but then we move on. It's not enough to just say,
22 you are not racist.

23 Racism isn't just about individual cruel acts.
24 Every policy, every law, every action we take either
25 furthers racial inequality or improves it. Racism is

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2 deeply embedded into all of our institutions and our
3 culture. To move forward, we have to accept that and
4 commit to changing it. We need to be antiracist. We
5 need to show Black New Yorkers that we will fight
6 alongside them and we will fight for them, especially
7 within our own White dominated communities and
8 networks.

9 We can't let this moment pass the same way we
10 have done over and over and over again. We need to
11 confront why nothing has really changed. After
12 Trayvon Martin, after Eric Garner, after Freddie
13 Grey, after Philando Castile, after Tamir Rice,
14 after Sandra Bland, after Tony McDade, after Breonna
15 Taylor.

16 It shouldn't have taken the video of another
17 murder of a Black man at the hands of police or a
18 pandemic where racist and segregationist policies are
19 directly responsible for the high death toll in Black
20 and Brown communities. This is a democratic town and
21 a democratic state. The fact that we have not
22 delivered true change is inexcusable, it's shameful
23 and I think every single White democrat in New York
24 City has contributed to it. If you are silence or in
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2 action or through your own proactive support for
3 policies that produce racist outcome.

4 I did, I include myself in that. I have made
5 mistakes. I had good intentions, I thought I was
6 doing the right thing but being defensive isn't
7 helpful. Voting to hire 1,300 new cops instead of
8 pushing for more investments in communities was
9 wrong. Increasing the Police Departments budget year
10 after year after year without making those
11 investments in communities in a meaningful way was
12 wrong.

13 Not moving quickly or aggressively enough on
14 police reform was wrong. We need a reckoning. We
15 don't need leaders justifying what they have done in
16 the past because it doesn't really matter. It wasn't
17 good enough. Instead of defending our records, White
18 leaders I believe need to normalize admitting we were
19 wrong. Changing our minds and course correcting.

20 I am committed to educating myself on how I can
21 personally do better and how we can do better as a
22 body, and to learning from Black and Brown organizers
23 and advocates from communities that have suffered at
24 the hands of a racist society and system. I am
25 committed to doing the hard work that I outlined in

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taking the steps we need to make real tangible change.

Thank you Chair Richards and I look forward to hearing from our other colleagues.

COMMITTEE COUNSEL: Thank you and I will now invite the bill sponsors to give opening statements beginning with Council Member Gibson followed by Council Member Ampy-Samuel.

Council Member Gibson, I will now turn it over to you.

COUNCIL MEMBER GIBSON: Thank you so much and good morning ladies and gentleman. Good morning Speaker Johnson. Good morning Chair Richards and all of my colleagues in government and certainly all who are joining us this morning for today's very important hearing.

I am Council Member Vanessa Gibson of the 16 District in the Bronx and I am here today to talk about Intro. 760-A, legislation to require the NYPD to maintain a centralized system that is to be used to record, track, review and evaluate officers activity and to identify police officers that maybe in need of enhanced training or monitoring during the course of their career.

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2 This bill would require the NYPD to conduct an
3 annual report by January 31st and submit it to the
4 Mayor and the Speaker of the Council and post it on
5 its website. Which will include complaints received
6 and results of investigations conducted by the CCRB,
7 the Civilian Complaint Review Board complaints
8 received and investigations conducted by the Police
9 Department including but not limited to
10 investigations conducted by the Internal Affairs
11 Bureau and any disposition resulting from any such
12 investigation.

13 Arrests and summons, criminal arrests or
14 investigations of an officer known to the department.
15 The process for identifying through such system,
16 officers that may be in need of enhanced training or
17 monitoring. Procedures and system for ongoing
18 monitoring of such officers to ensure improvement.

19 This bill identifies warning systems and red
20 flags of officers that are in need of help during the
21 course of their career. No one is perfect but when
22 you have officers in the department who accumulate
23 excessive CCRB complaints and excessive lawsuits of
24 using excessive force and misconduct, something is
25 clearly wrong.

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2 We cannot and we should not wait until an officer
3 seriously injures a civilian and or kills someone to
4 take action. Given the reality of a civil unrest,
5 not just in our city but across this country, the
6 need to address police reform in this legislation,
7 along with the entire package of bills being heard
8 today is a great step in the right direction.

9 We as the legislative body of the City of New
10 York must do our part in addressing the issues with
11 the NYPD to help build a city that is fractured and
12 demanding justice.

13 In the case of this bill of which I am
14 sponsoring, we are able to combine the information
15 from the CCRB and the NYPD together to get a clearer
16 picture and understanding of the actions of our NYPD
17 officers and provide resources and training to
18 officers to address issues before those actual
19 incidents occur.

20 I look forward to today's hearing and I want to
21 thank Speaker Johnson, Chair Richards, all of my
22 colleagues but most particularly, I thank the
23 commitment of all the advocates, all of our youth and
24 all of those civil rights organizations and mothers
25 in the movement for demanding more and always

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speaking truth to power. We appreciate all of your work and continue to lift up the name of those we have lost to police violence.

Today, ladies and gentleman, the family of our brother George Floyd is laying him to rest in Houston. Lift this family up and prayers as they turn their pain into purpose. There must be a real transformation in this city where we redefine what policing looks like. We take steps forward because that's what we are supposed to do. Budget justice, criminal justice, and all forms of justice. We owe it to all of our children who deserve better than the pandemic of a systemic racist society. We cannot say all lives matter until Black lives and Black trans lives matter.

I thank you Chair and Speaker and I yield my time back to you and thank you to the legislative division.

Thank you so much.

COMMITTEE COUNSEL: Thank you Council Member Gibson. I also want to acknowledge that we've been joined by Council Members Louis, Cabrera, Cohen, Levine, Miller, Moya, Powers, Rivera, and Rose. I

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will next invite Council Member Amprey-Samuel to give an opening statement followed by the Public Advocate.

COUNCIL MEMBER AMPREY-SAMUEL: Good morning everyone. I just received a statement, a press statement from the Brooklyn District Attorney, stating that the police officer from the 73rd Precinct Vincent D'Andraia has been charged with assault, criminal mischief, harassment, and menacing for shoving the young woman to the ground and he is turning himself in. So, that was good news that just came across my screen just now.

So, first I just want to thank our Speaker Corey Johnson for the countless calls of concern when we all heard about and watched the brutal murder of George Floyd. Speaker Johnson called and said, what can we do together right now. What are some of our ideas for change that you would like to see right now? And took immediate action to bring together a package of police reform bills that we as city legislatures can pass. And so, I just want to say, you know, thank you Speaker Johnson and also thank you Chair Richards for all of your hard work and as we take these much needed bold steps, I'm also proud of our colleagues in the state house who are passing

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2 police reform bills this week and passed some serious
3 legislation last night.

4 And our congressional members that are fighting
5 the good fight down in Washington DC. Just as our
6 protestors are standing united in the streets, we
7 stand united for change in the holes of the
8 legislature.

9 So, I'm proud to be the sponsor of Intro. 6267
10 which speaks directly to the ongoing problem of
11 police officers covering up their badge and shield
12 numbers in public. When officers do this, we see the
13 countless times and photos and videos, and a lot of
14 us experience that personally but when they do this,
15 it makes it almost impossible to identify them in a
16 complaint or a lawsuit. And just over the past week,
17 in letters addressed to Commissioner Shea, the NAACP
18 Legal Defense and Educational Fund along with the
19 Legal Aid Society, as well as the National Lawyers
20 Guild have all described this disturbing trend in
21 which members of the NYPD purposefully cover their
22 shield numbers with bands and black tape and other
23 opaque materials.

24 All legal groups have demanded immediate action
25 and according to one of the letters to reiterate that

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2 this practice is a direct violation of the NYPD
3 Patrol Guide, Section 204-17. Covering the rank and
4 number is not at all about paying respect to a
5 falling officer. The guide speaks directly to how
6 and where the mourning band should be worn. And as
7 in so many other guidelines in city policies, this is
8 just another one that is regularly disregarded with
9 no recourse for those violated.

10 And as of 2018, the Right to Know Act outlines
11 NYPD's obligation to identify themselves including
12 the name, rank, command, and badge number but that's
13 only in certain circumstances such as searches of the
14 person, property and vehicle and homes or doing a
15 sobriety check point. It does not speak to protests.

16 So, what Intro. 6267 does is requires uniformed
17 officers to make their shield numbers visible and
18 make it in mandatory protest and it creates a private
19 right of action for when someone asks a police
20 officer to make the badge visible and they refuse.
21 People can now bring in action in court and get
22 relief such as damages injunctive relief or other
23 remedies the court deems appropriate.

24 They are also entitled to reasonable attorney's
25 fees. The Patrol Guide wasn't enough and we found

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1 out that the Right to Know Act didn't cover protests.
2 So, here we are. Now, we utilize the tools of our
3 justice system to force members of the police
4 department to do what should be just plain decent and
5 responsible. This is unnecessary of the reform
6 puzzle that will hopefully eventually pull together a
7 picture of New York City that we've been longing to
8 see. With that, I just want to say again, thank you
9 Speaker Johnson and Chair Richards and I look forward
10 to seeing this package of bills and reform become our
11 new reality to protect all New Yorkers because we've
12 been abused for too many years.

14 Thank you so much.

15 COMMITTEE COUNSEL: Thank you Council Member
16 Ampry-Samuel. In a moment I will turn it over to the
17 Public Advocate but I want to acknowledge that we've
18 also been joined by Council Members Brannan and
19 Yeger.

20 After the Public Advocate, I will invite Council
21 Member Lancman to give an opening statement.

22 Public Advocate Mr. Williams.

23 PUBLIC ADVOCATE WILLIAMS: Thank you very much.
24 As mentioned, my name is Jumaane Williams, Public
25 Advocate of the City of New York. I want to thank

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Chair Donovan Richards for that awesome and powerful statement. Thank you for that and for having this hearing on legislation that we will be reviewing today.

I want to thank the Speaker for his support as well and for that powerful opening statement in which there was acknowledgment as you did before of saying what you could have done better instead of getting defensive and it was a powerful opening that I wish the Mayor and frankly the Governor will listen to and take steps to do the same thing on what we've seen from both of them frankly. Although, the Governor has been slightly better but both of them in response to the protests about excessive force and over policing about laws that increase tension in communities about not being believed when people speak of their experience. They both responded to that with more police and aggressive policing, a curfew, a law, that caused more tension and again not believing what people were saying what happened to them. Including me, the highest ranking Black elected official in New York City, it was both insulting and lack of leadership and dangerous for all of us. So, thank you for that.

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2 I want to add my voice to acknowledging the
3 people who are still demonstrating our streets for
4 justice. We cannot ignore their voices; they will
5 not be ignored. We must acknowledge the demands to
6 prevent police brutality, excessive policing, racial
7 injustice. It happens too frequently, whether it is
8 in Minneapolis, the murder of George Floyd or right
9 here with the many, many cases we know all too well.
10 Cases that this Mayor can address, like officers who
11 were never brought to account for the death of Eric
12 Garner. Officers who killed Delrawn Smalls just to
13 name a couple.

14 Among the legislation being heard today, my bill
15 Intro. 721-A, codifies the right to record New York
16 City police and Peace Officers. I want to make this
17 very clear; Intro. 721-A does not permit anyone to
18 interfere with an official lawful police function.
19 It does however affirm everyone's right to record.

20 In the event that an officer unlawfully seeks to
21 prevent a recording, threatens, intimidates, or
22 issues a summons or an arrest, simply because someone
23 is recording police activity individuals can bring an
24 action in any court to seek relief or other remedies.

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Intro. 721-A also requires the Commissioner to issue quarterly reports of arrests and summonses issued when persons record police activity.

There may be no better time to pass legislation as we continue to see people in our city and across this country demand accountability. If it were not for a quarter of officers, we would know videos of officers hitting a cyclist with batons, officers physically pushing a woman to the ground and officers arresting an essential food delivery worker or many others. All of these instances were recorded. I use my own to record instances that were still not believed.

Imagine if they were not. Imagine if we were not aware. What justice would be sought? Would the status quo continue? Sadly, even with the video, sometimes there is no justice.

Take the case of Rayne Valentine, an essential worker at Kings County Hospital. As he left work on May 30th while walking near the church avenue subway station and saw the crowds of protestors and police officers. Rayne took out his phone to record, leading to shouts from officers to move back. Rayne

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then was pushed and beaten by officers who quickly stopped and gave him back his phone.

Afterward, Rayne bleed from what had happened, went back to the hospital for injuries he sustained. All because he was recording officers. Before these protests, there were many other examples of police in the city inappropriately responding to recordings. Back in May, while walking her dog a defense attorney saw officers stopping men near Tompkins street and Decatur Avenue. She began to record the interaction before officers approached her. While the people stopped by police were let go, the attorney was arrested and detained.

There are countless stories of people who were simply recording officers and their right to do so was interfered with by police. On 2014-2016 CCRB investigated 257 complaints involving officers interfering with video recording. Most of the complaints involved officers using physical interference to prevent their recording. This cannot happen. We must ensure every person is entitled to their right to record a police officer without the fear of repercussions. This includes journalists and I'm frightened by recent reports that the press is

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2 being stopped and even arrested for just doing their
3 job.

4 Let's make something very clear, there is no
5 local law that makes it illegal to record the police.
6 In fact, federal and state law allow people to record
7 in a public space. However, we have seen officers
8 inconsistently respond to recordings of their
9 actions. We do not need to see images of people
10 arrested while holding our officers accountable. We
11 do not need officers picking and choosing who gets to
12 record and who does not. It is time for uniform
13 policy and Intro. 721 would do that. The right to
14 record can allow a level of accountability in
15 incidents where officers acted inappropriately. For
16 example, film the last words of Eric Garner in Staten
17 Island after x-official Daniel Pantaleo applied a
18 fatal chokehold. Even though it took five years for
19 Pantaleo to be fired for causing the death of an
20 innocent man, this incident stressed the points of a
21 right to record. We still haven't had an account for
22 the other officers to who caused the death and my
23 understanding is Mr. Archer had just been released
24 from jail himself.
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2 So, I thank the Chair for allowing me to speak
3 today and I thank the Council Members including the
4 Chair for co-sponsoring this legislation. This
5 legislation is a part of solutions that advocates
6 have been arrested for holding police accountable.
7 And I want to also just mention, we do have to get
8 this right for everyone. As was mentioned, I want to
9 lift up all folks, including officers who were hurt
10 because their families expect for them to come back
11 home the way they came.

12 So, when we put officers in situations they
13 shouldn't be in, it's not fair for them, it certainly
14 is not fair to the community. So, we have to get
15 this right. We also have to remember that this is
16 not just about police. All of the things that we
17 talk about are found in every institution, in every
18 city and state across this country.

19 I want to remind folks that you do not have to be
20 a racist or a bigot to be a part of continuing an
21 institution that is steeped in systemic racism and
22 bigotry. Once we can come to grips with it, I think
23 we will be able to move much further, much swifter,
24 much bolder.

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I too am sorry that the Commissioner is not here. This is a conversation he necessarily needs to be a part of. I want to say thank you to the Black women who lifted up and spoke today. Council Member Gibson and Council Member Ampry-Samuel. Thank you for your leadership and we cannot wait for the next incident, police interference or misconduct to make a decision on such commonsense measures, but if all we get now is 50 A and reduction of police budget then all of this was not worth it.

So, let's use this time to go further, to go bolder, to create the society we all said we wanted when we ran. Thank you so much.

COMMITTEE COUNSEL: Thank you. I will now invite Council Member Lancman to give an opening statement followed by Council Member Rivera.

COUNCIL MEMBER LANCMAN: Thank you. Good morning, I am Council Member Rory Lancman prime sponsor of Intro. 536-A which bans chokeholds and other restraints on breathing by arresting officers.

By the time Eric Garner was killed by a police chokehold in July of 2014, chokeholds had been completely prohibited by NYPD policy for 21 years. This prohibition was categorical and unqualified.

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Here is what the patrol guide said at the time, "members of the New York City Police Department will NOT use chokeholds." And the not is in all capital letters. Nonetheless, this prohibition couldn't save Eric Garner and in the wake of his death, the Civilian Complaint Review Board issued a report in 2014 revealing that between 2009 and 2014, the public had filed 1,048 chokehold complaints with the CCRB. And the most serious punishment meted out for violating the chokehold ban was the loss of vacation days.

This bill was introduced to up the ante. To make the consequences of using a chokehold real. And frankly, to force District Attorney's to act with a new tool at their disposal. Rather than join us, the Mayor has consistently promised to veto this bill. His justification until today has always been the completely disingenuous complaint that the legislation lacks an exception for an officer in a so-called life or death situation. Even though he must have been advised by the NYPD's able legal department and the Corporation Council that that is simply not true.

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2 But it's even worse than that. In 2016, the
3 NYPD updated its use of force guidelines to make
4 available to officers eleven different scenarios
5 where they might potentially be excused for using a
6 chokehold. These include considerations that are
7 overly broad such as actions taken by the subject and
8 some that are frankly ridiculous, such as the
9 presence of a hostile crowd or agitators. That is
10 literally the word in the NYPD Guide, Agitators.

11 So, let me say that another way. This Mayor and
12 the NYPD in 2016 actually made it easier for an
13 officer to get away with using a chokehold rather
14 than harder. Is it any wonder then that since the
15 Mayor's loosening of the NYPD's internal chokehold
16 ban, the CCRB has received 408 specific chokehold
17 complaints and 334 more complaints of general
18 restricted breathing through May 31st of this year.

19 This bill, making it a crime for an officer to
20 use a chokehold or other breathing restraint is as
21 urgent today as it was on July 17, 2014, the day Eric
22 Garner was killed after pleading, "I can't breathe"
23 eleven times.

24 It will super see the Mayor de Blasio's 11 point
25 chokehold excuse policy. It will make clear to

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2 officers that they really truly, really, really
3 cannot use chokeholds. It will hold them accountable
4 when they do. It will fill in a gap in the states
5 strangulation statute which is really aimed at
6 civilians and not police officers. It will honor the
7 memory of Eric Garner and Anthony Baez and yes,
8 George Floyd too.

9 Just as this Council had to drag the Mayor to
10 effectively give decriminalized the most common low
11 level broken windows offenses and dragged him to
12 change the city's marijuana arrest policy and dragged
13 him to support the closure of Rikers Island, I am
14 confident that if he does veto this chokehold bill as
15 threatened, we will have the votes to drag him to
16 justice once again.

17 Thank you very much.

18 COMMITTEE COUNSEL: Thank you Council Member
19 Lancman. I will now invite Council Member Rivera to
20 give an opening statement followed by Council Member
21 Cabrera.

22 COUNCIL MEMBER RIVERA: Thank you. Thank you so
23 much. I want to thank Speaker Johnson and Public
24 Safety Chair Donovan Richard for allowing me the
25 opportunity to speak on my legislation. A Resolution

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calling for the passage of the Eric Garner Excessive Use of Force Prevention Act of 2019, which would ban the practice at the national level.

Chokeholds and other violent uses of excessive force that have been used by police to kill so many Black and Brown Americans, have no place in New York City or anywhere in this country.

I'm proud that we will be voting on Council Member Lancman's legislation to make police chokeholds a misdemeanor and my bill would ban the practice at the national level. Sending an important message to our fellow Americans that it is time and these prohibitions are overdue. But we must go further. We need the state legislature to repeal 50-A. We need to vote to approve the other pieces of legislation we are hearing today, many of which address injustices we've witnessed during these protests. Such as police officers withholding identifying information and denying journalists, legal observers the right to safely record police actions.

But even with these small but meaningful steps, we have to ask the NYPD, why the rage against Black indigenous people of color? Where are the de-

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1 escalation tactics? When you sit on the back and
2 kneel on the necks of Black Americans, we assume it's
3 to silence them. It's sad that Commissioner Shea is
4 not here to answer those questions, but one thing we
5 know is that more training will not change that. We
6 need to pass legislation that literally limits the
7 weapons and military equipment that police officers
8 have access to.

10 Limits police enforcement in schools and traffic
11 infractions and limit the ability of police unions to
12 interfere or delay justice for the victims of police
13 violence. And facing a massive reduction in tax
14 revenue, our city must slash the NYPD's massive \$6
15 billion budget and redirect those funds towards
16 education, health care, homelessness prevention and
17 youth and senior services. We are here today to
18 start making those changes because we have waited too
19 long to do so.

20 We waited too long for Anthony Baez, for Eric
21 Garner, for Breonna Taylor, for George Floyd. To the
22 New Yorkers watching, I want you to know your protest
23 and voices are being heard I have seen your messages
24 on these issues pouring in. My office has received
25 nearly 100,000 emails and calls from constituents and

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advocates this week, an unprecedented amount that easily dwarfs any other issue I've seen in my two years on the Council.

I hope that today is the day, the first of many steps that we take that this body can do in translating that demand into action.

Thank you.

COMMITTEE COUNSEL: Thank you. I will now invite Council Member Cabrera to give an opening statement.

COUNCIL MEMBER CABRERA: Thank you so much. Thank you to the Speaker, thank you to the Chair. Thank you for your support of Reso. 27, will make calling upon the state to make strangulation where there is chokehold or lean on the neck or any other form a class one felony. We need to take it to the next level. This week, I had the opportunity, the honor to be at George Floyd's funeral. I was one of, I believe one of the only two New Yorkers there.

It was a very painful thing to see. Painful to see the family suffer. It was – to see the community – just to be honest with you, still in the state of shock that this is still taking place. The fact of the matter is that the land is still sick, sick of injustice, sick of discrimination, sick of racism and

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2 the only way that we could change is if we start
3 checking ourselves. We need to check our hearts we
4 need to check the way we think about other people.
5 Nobody is born racist. Racism is learned when we
6 bridge the [INAUDIBLE 29:38]. Racism is like growing
7 up diseased and we must stop using our children to
8 spread it.

9 Racism is the original sin of this nation and we
10 must perch ourselves from it. We need to reestablish
11 a culture of honor where we value everyone, where we
12 see the image of God in every single, every single
13 human being in the United States for that matter, all
14 over the world.

15 Racism is basically an opinion of someone without
16 the truth. It is the maximizer of hatred with the
17 most minimum justifiable reason and this is why we
18 must break the yolk of injustice. The rate of
19 injustice laid on the back of George Floyd and so
20 many others that have been mentioned here today.
21 There's a way that many of our people have to carry
22 every single day, literally from their childhood.
23 This is why I'm glad to join my colleagues and so
24 proud of them to put these pieces of legislation
25 together. We got to change the way we think about

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each other. We got to change the way we treat one another and that is only going to happen if we start checking ourselves. Thank you so much to the Chair and to the Speaker.

COMMITTEE COUNSEL: Thank you Council Member Cabrera. We will now call our first witness. Michael K. Williams.

MICHAEL K. WILLIAMS: First of all, I would like to say good morning to Chair Donovan Richards and to all the Council Members and to Public Advocate Jumaane Williams. Thank you for having me this morning. My name is Michael K. Williams, and although I am mostly known for my role as Omar, the HBO series The Wire, I'm most proud of my role as spokesperson and partner to NYC Together.

This organization puts our youth at the center of its work and leverages their strength, so that they can come up with their own solutions on community based problems. I've been working with NYC Together and its founder Dana Rachlin for the past two years in creating social and cultural changes in the NYPD, and although our work has gained us some major wins, like implementing protocol on a precinct level, which reduces a juvenile recidivism to supporting officers

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2 who are looking to do other things besides using
3 criminal solutions to social problems, it's just not
4 enough. In realizing our limitations on our direct
5 service work, I stand here today in total support of
6 the bills that are being presented to you.

7 As detailed in a recent CCRB report, Black
8 children and I can't emphasize enough, that Black
9 children are the number one reason of complaints
10 against police officers. Nothing about this is
11 shocking to me. As a young man growing up in the
12 projects in East Flatbush Brooklyn, I've grown
13 accustomed to being over policed and I've normalized
14 the institutionalization of my friends and my family
15 from school to prison.

16 So, as an activist, I've started to look at the
17 failures of our juvenile criminal justice system and
18 in working with NYC Together, I've gotten the
19 opportunity to work with some amazing young people
20 who can easily become the next hashtag or the next
21 reason to march. The time to act is now.

22 My nephew Dana Dupont and I have very, very close
23 relationships with young men in Brownsville, East New
24 York, and East Flatbush. These bills can save their
25 lives.

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2 So, I stand here today with the hope that in the
3 passing of these important legislations, it will push
4 the Department to come up with their own cultural
5 changes. Cultural changes that reflect real
6 investment and true belief in fair community
7 policing.

8 As I detailed in a recent Daily News ad, the
9 Department has got to find the will to overhaul
10 CompStat and to do away with plain closed unit, so
11 that the police culture that encourages aggressive
12 and punitive behavior stops. And instead invest in
13 racial justice and trauma based education throughout
14 the system, throughout their careers. And I know
15 that accomplishing our goals for public safety
16 requires investment, financial, political,
17 structural, and cultural, which is why I am in total
18 support of defunding the NYPD as a means to
19 supporting social services.

20 As I detailed in a recent – I’m sorry, I repeated
21 myself. As I detailed in a recent op ad in the Daily
22 News, it is time for the – I’m sorry, I repeated
23 myself. Thank you for your time.

24 SPEAKER JOHNSON: Thank you Mr. Williams. You
25 have as much time as you need, you can say anything

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you would like. We can unmute Mr. Williams so he can continue. Go ahead Mr. Williams.

MICHAEL K. WILLIAMS: Oh, so I would just like to say in closing, that it is important that the NYPD find the will to overhaul CompStat and to dismantle plain closed unit so that we could start to break away at the culture, at the police culture that advocates and allows aggressive and punitive behaviors.

And just thank you. Thank you for your time.

SPEAKER JOHNSON: No, thank you. Thank you so much. Thank you.

COMMITTEE COUNSEL: Thank you for joining us today Mr. Williams. We will now call on the New York City Police Department to testify. Before I do that, I am going to acknowledge that we have also been joined by Council Member Van Bramer.

Before you begin your testimony, I will administer the oath. Deputy Commissioner Tucker, Assistant Chief Pontillo, Assistant Deputy Commissioner Chernyavsky.

Are you with us?

PANEL: Yes, we are.

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COMMITTEE COUNSEL: Thank you. I will call on each of you individually for a response. Please raise your right hands.

Do you affirm to tell the truth, the whole truth and nothing but the truth in your testimony before this Committee and to respond honestly to Council Member questions? Deputy Commissioner Tucker?

BENJAMIN TUCKER: I do.

COMMITTEE COUNSEL: Assistant Chief Pontillo? Assistant Chief Pontillo?

SPEAKER JOHNSON: Committee Counsel, we may have an audio problem with the testimony that's about to be given, there is an echo, which makes it hard to understand their testimony. So, I don't know if they can attempt to fix that on their end.

COMMITTEE COUNSEL: Deputy Commissioner Tucker, why don't you begin and we'll stop if we have a problem.

BENJAMIN TUCKER: We're still getting an echo, I think. Oh, that's better. Alright?

COMMITTEE COUNSEL: That sounds better.

BENJAMIN TUCKER: Well, let's begin. Good morning Speaker Johnson, Public Advocate Williams, Chair Richards, and Member of the Council. I am Ben

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2 Tucker First Deputy Commissioner of the New York City
3 Police Department. I'm joined today by Assistant
4 Chief Mat Pontillo, and Assistant Deputy Commissioner
5 for Legal Matters Oleg Chernyavsky.

6 On behalf of Commissioner Dermot Shea, I wish to
7 thank the Council for the opportunity to discuss the
8 important moment in our countries and in our city's
9 history and to comment on the bills we incurred here
10 today.

11 At the core of the Departments mission is our
12 obligation to protect the health, safety, and welfare
13 of those that live in, work in, and visit our city.
14 A well trained focused and disciplined team of more
15 than 36,000 officers is vital to this mission. We
16 are the largest police department in the nation, the
17 most scrutinized. No police department operates
18 under as much public scrutiny or as many layers of
19 oversight as the NYPD.

20 As we have made clear time and again, the Police
21 Department embraces scrutiny and oversight because it
22 has prompted us to review and reflect upon our
23 policies and practices. In over the past six and one
24 half years, we have made unprecedented progress in
25 such areas as training, control function, precision,

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2 There has been a fair amount of conflict in our
3 city recently, so please allow me to share something
4 that I think we can all agree on. What happened to
5 Mr. Floyd was a great injustice and a shocking
6 tragedy and was certainly deeply disturbing.

7 When police officers start their careers, we take
8 over to protect and serve the public. I did that
9 when I was a young recruit in the early 70's. Police
10 Commissioner Shea did it as well in the early 90's.
11 All police officers swear to protect the people of
12 this great city and they strive to fulfill the oath
13 every time they put their uniforms on.

14 What we saw in Minneapolis was simply a betrayal
15 of the oath, of that oath and a gross sterilization
16 of duty. It's nearly damaged every effort we made by
17 our officers to connect with our communities and
18 build trust without people. Simply put, it was
19 atrocity fatal to Mr. Floyd and deeply damaging to
20 police community relations here in New York and
21 everywhere in our nation. Our profession is better
22 than that. But this is also a time where we can call
23 on, all come together and condemn the lawlessness
24 that has occurred recently. Over the last several
25 days our city has experienced turmoil. The right to

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2 communicate onto ideas is fundamental to a free
3 society. The NYPD believes in the importance of the
4 first amendment and the public's right to free
5 expression. But in demonstrating, counter
6 demonstrating or showing support for a cause, people
7 in groups have the right to peacefully gather. Law
8 enforcement in turn, has the duty to ensure the
9 safety of the general public while protecting the
10 right of peaceful assembly.

11 When protestors march for a better future, it is
12 an overwhelmingly positive thing for our city. Yet,
13 unfortunately, the city has also recently experienced
14 looting, burglaries, and the destruction of property.
15 These actions are not peaceful protests. They have
16 nothing to do with civil disobedience, progress, or
17 reform.

18 They are not about demonstrating against police
19 brutality. Quite frankly, they are the actions of
20 people who have been solely on taking advantage of a
21 moment in American history to call out the cause of
22 equity and justice that we all uphold and
23 intentionally inflict chaos, mayhem, and injury, just
24 for the sake of doing so. And I hope we can all come
25 together and condemn these lawless actions.

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The best majority of our police officers abide by the many laws, policies and procedures and rules governing the policing profession. Police work and police decision making in the field relies heavily on the discretionary judgement of officers based on their accumulated experience as well as adherence to guiding principles to solve a variety of problems.

Public trust is eroded anytime a New York City police officer's conduct does not adhere to the values and standards of the NYPD and the policing profession.

As I noted earlier in recent years, the NYPD enacted a series of sweeping reforms designed to build trust and encourage collaboration with New York City communities. At the heart of these reforms is neighborhood policing, making shift in policy and practice that gave cops the time and the latitude to connect with communities that follow through on local problems and seize the initiative on local crime.

I personally led a series of training reforms as we developed a three day course in de-escalation, de-escalating confrontations and avoiding force.

Trained our officers in communicating with emotionally disturbed people, prompted a field

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training program for recruits and rented [INAUDIBLE 39:55] in fair and impartial policing. We also established a much more exacting use of enforced policy to investigate all uses of force and collect, trap and report forced data as never before.

The Department implemented what is now the largest police body worn camera program in the world. 45,000 of our officers now wear those body worn cameras.

By 2019, reported stops were down from 93 percent from 2013. Arrests and criminal summonses fell by 46.6 percent, and 79.7 percent respectively, by the end of 2019.

Last year, the NYPD stopped 149,000 fewer people of color than it did in 2013 and we arrested 148,000 fewer. With the smaller enforcement footprint came deep cuts in crime. Murders below 300 for the first time since 1951 and shootings below 800 as well as 33.4 drop in burglaries.

Greatly reduced enforcement and significantly lower crime. It was a triumph of progressive policing and I ask you to take these accomplishments and the reforms that helped achieve them into account as you consider further reforms in our department.

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One of the most important components in winning the public's trust is the credibility of our internal system for disciplining this kind of violence by police officers. If people see the departments discipline system as minimizing or discounting police conduct, they will be far more likely to doubt the legitimacy of any police action. We recognize that lasting trust cannot be achieved without a fair and transparent police process and the process should be that should provide the people we serve with the understanding and insight into how the department addresses their complaints of misconduct and how we ensure without exception our personnel perform with integrity.

In the NYPD, we believe that we have a very robust disciplinary process that holds officers accountable and punishes guilty officers appropriately. But it is crucially important that the public believes it too. This is one of the reasons why former Commissioner O'Neill convened the external panel of respected criminal justice experts in 2018 to examine our internal discipline process and to make recommendations on how we can improve.

Last year, when the Commissioner issued his report, he immediately accepted each and every

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2 recommendation. He tasked me with establishing and
3 leading a working group to implement the
4 recommendations, a duty that Commissioner Shea and
5 the entire NYPD leadership continues to embrace.

6 I would now like to speak about the bills being
7 heard yet today. With respect to Proposed Intro.
8 536-A, with dealing with criminalize any form of
9 restraint that restricts the flow of air or blood by
10 compressing the windpipe, diaphragm, or corroded
11 arteries on either side of the neck, in the course of
12 affecting or attempting to affect an arrest. The
13 Department can support this legislation with minor
14 amendments.

15 As you know, our Patrol Guide as prohibited the
16 use of chokeholds for decades. Patrol Guide Section
17 22101, which is publicly available on the NYPD's
18 website, unequivocally and unambiguously forbids any
19 pressure to the neck, throat or windpipe that may
20 inhibit breathing. The quoting from this section,
21 the primary duty of all members of the service is to
22 protect human life, including the lives of
23 individuals being placed in police custody. Force
24 maybe used when it is reasonable to ensure the safety
25 of the member of the service or a third person or

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otherwise protect life or when it is reasonable to place a person in custody or to prevent escape from custody.

In all circumstances, any application or use of force must be reasonable under the circumstances. If the force used is unreasonable under the circumstances it would deeply be deemed excessive and in violation of the department policy. When appropriate and consistent with personal safety, member of the service will use de-escalation techniques to safely gain voluntary compliance from a subject to reduce or eliminate the necessity to use force. In situations in which it is not safe for appropriate members of the service will use only the reasonable force necessary to gain control or custody of a subject.

The use of deadly physical force against the person can only be used to protect members of the service or the public from imminent serious physical injury or death.

This is how officers are trained and this is how the vast majority of arrests are effectually. Reality is that being a police officer is one of the most difficult jobs in the world. There are few

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1 professions where the line staff – those officers on
2 patrol must make myriad of decisions on every day on
3 any given day. Cops have to make choices, sometimes
4 very quickly every single day. Some are a split
5 second life and death choices. We hold our officers
6 to high standards even when making these choices but
7 the decision as to when and how to use force on the
8 ground is extremely complicated and may change second
9 by second as circumstances evolve during the course
10 of an arrest and often do.

12 No two arrests are the same. When officers must
13 resort to using force, they must be trusted to rely
14 on their training and their experience. It is
15 critical that officers are able to transition and
16 adapt to the changing circumstance of an encounter.
17 We teach officers to adjust the level of force and
18 response to the subjects changing level of resistance
19 consistent with attendance of the critical decision
20 making model. It is for these reasons that the New
21 York State Penal law acknowledges an officers right
22 to use reasonable force under certain circumstances.

23 If the officer uses excessive force, the penal
24 law already includes a statute criminalizing, criminal
25 obstruction of breathing and strangulation.

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2 If the officers conduct does not rise to a
3 criminal defense, the Department, as a robust
4 discipline system will hold that officer accountable.
5 However, this bill would criminalize violations of
6 department policy that would not rise to the level of
7 criminality. The legislation does not require that
8 an officer intentionally use a chokehold. Rather it
9 criminalizes incidental, unintentional contact with
10 an individual's neck or chest. Furthermore, by
11 criminalizing the act of an officer putting pressure
12 on an individual's diaphragm, the bill fails to take
13 into account or take account on the particular
14 circumstance of many struggles during the course of
15 arrests.

16 It also appears that the bill would criminalize
17 the rendering of CPR, with chest compressions or the
18 Heimlich maneuver, although that is clearly not an
19 intended consequence of the law.

20 Under the provisions of the bill, it is actually
21 hard to imagine a scenario in which an officer would
22 not open him or herself to criminal liability or
23 discipline when effecting the arrest of a resisting
24 subject. While we certainly prefer that people
25 submit to arrests peacefully, it is certainly not

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2 always the case that they do. That is the reality
3 that officers face every day. The bill can be
4 operationalized with two simple amendments. Remove
5 the word diaphragm and add the word intentional.
6 While the unacceptable acts we are all trying to
7 prevent are those that occurred to Mr. Garner and Mr.
8 Floyd, I ask you all to visualize the officers who
9 you are in direct with on a regular day, every day.
10 A coordinating officer or a community affairs
11 officer, they will be the officers led away in
12 handcuffs for unintentional contacts during incidents
13 which they've entrust. Surely, we can agree that
14 these suggestions are not unreasonable.

15 With respect to Proposed Intro. 760-A, the bill
16 would require the NYPD to create and maintain a
17 centralized system to track, review and evaluate
18 police officer activity and to identify officers that
19 may be in need of enhanced training, monitoring or
20 pre-assignment. The Department already has entire
21 borough dedicated to this purpose, our Risk
22 Management Bureau. Risk Managements mandate and
23 purpose is to track the activities of officers and
24 any deficiencies and in performance of their duties
25 including all complaints made against them.

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Together, with the Legal Bureau, Risk Management is tasked with identifying those officers whose performance has not been up to the high standards we expect, retraining these officers and as needed reassigning them. Risk Managements work is above and beyond the existing structure overseen by me in my office.

The Department will support this bill and ask that the codification into law of the details of the ever changing evolving system be removed. Instead, we publicly report the criteria we evaluate in the context of such a system, so that this body and the public are fully informed and can offer input.

We look forward to working with the sponsor on the relatively small amendments that would make this operationally feasible and valuable in achieving its stated goal.

With respect to Proposed Intro. 721-A and Preconsidered Intro. T-20206267, these bills would affirm the right of citizens to record police officers and require that an officers shield or rank be visible. The Department supports the substance of both these bills which are in our Patrol Guide.

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2 No member of the NYPD should be interfering with
3 someone lawfully recording police conduct or
4 intentionally their shield number. That is simply
5 unacceptable. However, we have significant concerns
6 with the private rights of action included in both
7 bills. Respectfully the Department cannot support
8 those provisions in either of these bills. Portions
9 of these bills confirm what is already in law. If an
10 officer impermissibly seizes property including a
11 recording of a law enforcement activity, an
12 individual has a cause of action. NYPD officers
13 must also identify themselves and provide business
14 cards under the Right to Know law. Creating
15 additional causes of civil action and mandatory
16 attorney's fees would only serve to incentivize all
17 avenues of a litigation to the detriment of the
18 already stressed budgets and staffing needs of the
19 NYPD to fight these suits.

20 Often, officers are faced with the challenge of
21 maintaining order at complicated crime scenes. There
22 is often tension between the integrity of the assume
23 and the safety of the officers while allowing the
24 public to observe those officers' actions. It could
25 be a difficult judgment for officers who are

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involved. We do not believe that incentivizing new avenues to sue officers further reform or provide justice to crime victims or their families.

Requiring officers to defend themselves in civil suits even when they are able to mount a successful defense opens the prospect of defense lawyers impeaching an officers testimony in criminal prosecutions every time that officer testifies.

Simply because officers have been named as defendants in civil cases.

So, I hope that members of the Council can see that the NYPD has supported matters large and small over the past six and a half years and we remain willing partners in the overall effort to further advance the Department's commitment to criminal justice reform and serving all of the communities of our city. And as we do it is imperative that we move forward together on a common ground to improve our criminal justice system, the safety of all New Yorkers and the safety of the police officers, every police officer working daily to protect us.

I thank you for the opportunity to speak about these critical issues. We look forward to answering any questions you may have.

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COMMITTEE COUNSEL: Thank you Commissioner Tucker. In a moment, I will turn it over to Chair Richards for questions followed by the Speaker. Before we do that Assistant Chief Pontillo, we did not get your I do on the record because of audio issues, so I will just ask you to repeat it. Do you swear to tell the truth and answer all questions honestly?

MATTHEW PONTILLO: I do.

COMMITTEE COUNSEL: Thank you very much. Please stay unmuted on your end if possible, during the question and answer period. Thank you and Chair Richards, if you are ready, you may begin.

CHAIR RICHARDS: Thank you and thank you Commissioner Tucker for your testimony. I appreciate it. Very long, but still appreciated. Good to see you.

So, let's just start off, you know, I think when I ended my testimony, I said I wanted you to think about you know, some of the things I talked about and I wanted to give you an opportunity to address these things. Can you tell me what these protests are about and what do you understand them to mean for the NYPD?

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2 BENJAMIN TUCKER: Well, I think it's interesting.
3 The question is what they are about. Many things, I
4 believe. I think the confluence of as I referenced
5 in my statement, you know, there has been this sort
6 of issue of police community conflict for decades and
7 so, that's one.

8 So, there is a persistent presence there but when
9 you add to that this year, with the virus, corona
10 virus which took us all by surprise and I think as I
11 say we are on uncharted territory and I think we had
12 to really, as the Police Department, really figure
13 out just how we were going to do business and conduct
14 and keep the city safe under those circumstances. It
15 was a major challenge; we were responding to guidance
16 from the CDC and from the Department of Mental Health
17 but also guidance from the executive orders through
18 the Governor as well as the Mayor.

19 At the same time, we were thinking about the
20 whole challenge of how we cover the city, how we
21 expect both businesses and making sure that everyone
22 who was named in the executive order, in terms of
23 them not doing business, make sure that those
24 businesses were not operating.
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2 But then you add to that the sickness in the
3 Department itself. I mean, we had 7,000 officers go
4 out sick and that number went up, so that 3 percent
5 is our average sick time people out of work, out sick
6 at any given time and of course, we approached almost
7 20 percent at the height of our sickness around April
8 19th. So, that's another I think burden that we're
9 just trying to deal with those issues as we continue
10 to try to pivot and make adjustments on what our
11 responsibilities would be during the virus.

12 But also, the virus changed everyone's life in
13 the city, not just police. It affected everyone in
14 addition to our employees who we had to have working
15 at home, nonessential people.

16 So, all of those conditions, I think created a
17 level of stress that in my mind is just untenable but
18 that's part of it. And so, as we then move on, you
19 know, a little bit of time and then we end up with
20 the death of George Floyd in Minneapolis and I think
21 that really in my view is the, as I said in my
22 comments, that passionate outrage that people felt,
23 disgust the horror of that event that we all
24 witnessed, is you know, contributes as well. And
25 that's what I think, the simple answer to your

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question, although it's long explain as you're getting there but the simple answer is, I think is people are fed up, outraged of what's been going on and that continues to be a problem.

CHAIRPERSON RICHARDS: So, let me and I'm glad you brought up COVID-19 because certainly Black and Brown communities were certainly more impacted by COVID-19 and certainly because of disparities and those disparities also include over policing specifically in our communities and you know, it seems like we got COVID in curfews really laid out to us during this pandemic and they did nothing but certainly exacerbate the disparities more. For instance, and I will give you an example of why people are outraged and I share, I wanted to give you an opportunity to go through them but I want to save a little bit of time.

You know not only were we dealing with a pandemic and COVID-19. I mean, I lost over 1,000 people in my district to COVID-19 but then you look at the hypocrisy of disparities when it came to social distancing enforcement for instance right. Why people got masks, Black and Brown communities got summonses and arrests, right. So, that's another

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2 example. Then you look at the examples of in officer
3 Garcia on a man's neck, which could have caused
4 bodily harm and killed this man the same way George
5 Floyd left us right. Then you talk about the
6 officers who are out because of COVID-19 and you
7 know, of course, we were supportive of even working
8 out some PPE for the NYPD but then even when the NYPD
9 got PPE, they didn't wear it. Your officers are not
10 even wearing the masks that every day citizens are
11 mandated to wear by state order.

12 So, there is hypocrisy here that has really
13 ignited this powder keg that we find ourselves in.
14 So, that's to make it plain the issues. Black people
15 are dying. It seems like there are you know, there
16 are two justice systems. One for us and one for you
17 and one that keeps officers - gives them immunity
18 from following their own laws that they are supposed
19 to enforce and this is what the public has to see
20 every day.

21 So, I didn't hear - I mean listen, COVID is one
22 thing but yes, people are marching largely because of
23 the disparities but also, we're marching because
24 we're fed up with people having their knees on our
25 neck. That's what I wanted to hear from and the NYPD

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1 is not immune from that. Alright, Eric Garner was
2 choked to death.
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4 So, what I want to hear from you in the same way
5 you condemn those protestors, the protestors that are
6 looters, I want to hear you condemn those officers
7 who are out there pulling down masks and pepper
8 spraying people in their eyes, macing people. I want
9 to hear you condemn the actions of those officers who
10 also mace elected officials as well, not even just
11 the public.

12 So, we're not all crazy here. We're here for a
13 reason and I want to hear you condemn the actions of
14 those officers the same way you condemn those
15 looters. So, can I get that on the record?

16 BENJAMIN TUCKER: You can absolutely get it on
17 the record and I don't think you are crazy. Listen,
18 on a few things I'm not sure I agree with you. You
19 make it sound like no cops are wearing PPE, they
20 were. Maybe some weren't.

21 CHAIRPERSON RICHARDS: Sir, sir, don't insult us.
22 We don't see people — listen, some officers are, even
23 at the protest before — I just got to stop you. Even
24 at the protest at Barclays, there were pictures of 40
25 or 50 officers standing around without one mask on.

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2 So, this is the hypocrisy that the public sees
3 and it sort of aids and abets the argument we all
4 have, that the NYPD believes they are above the law.

5 BENJAMIN TUCKER: Well, I don't think we're above
6 the law. I don't think you think we're above the
7 law. I think it's a little bit more complicated than
8 that but with respect to your concerns and what you
9 raised with respect to the videos that we saw
10 including Garcia – there are other videos as well.
11 It is not as if we haven't taken action in every one
12 of those cases. The discipline is being applied.
13 So, we get that and you know, by the way, you know
14 and I know you tell me that you know, if it happens
15 once, if it's just one officer it's a problem but
16 nevertheless, the larger question that we have to
17 deal with is what should we be looking at and we are
18 and we have been for a while looking at ways to
19 really think about how we can better address those
20 officers who do step out of line and how we can
21 reduce those officers, a number of officers who
22 engage in that conduct that is outside the guidelines
23 and results in responses from the community that are
24 unacceptable. Right, that they recognize that these
25 officers are problem.

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2 So, we are not resting on our laws with respect
3 to that. With respect to how we discipline. We are
4 paying careful attention to it. I think you know
5 that and so, I understand the rage, the outrage of
6 the people and I think we have to weight forward as
7 we got to, as I said in my remarks, as we think about
8 how we recover from this, all of this, and think
9 about what changes have to be made, we are going to
10 be willing partners in how you see and how you move
11 forward in that regard. I think the comments that we
12 made with respect to the legislation that's being
13 proposed, in some regard, we have some objections to
14 part of those bills but as you heard, we are willing
15 to hopefully have some discussions with you so we can
16 arrive at what we want to see happen with respect to
17 improvements but also do it in a way that doesn't
18 have any unintended consequences that we think would
19 be detrimental to the officers and to the civilians
20 in that regard, the citizens.

21 CHAIRPERSON RICHARDS: Mr. Tucker, Commissioner
22 Tucker, how much did you pay out in settlements last
23 year for police misconduct?

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2 BENJAMIN TUCKER: I don't know, I may have that
3 number if I can get it, I will tell you. We'll track
4 it down and I'll -

5 CHAIRPERSON RICHARDS: Okay, so we'll make sure.
6 But in FY18, you spent about \$237.4 million in police
7 settlements. Do you think that's a problem that
8 taxpayers are footing the bill for individuals who
9 are supposed to practice CPR and couldn't this money
10 be spent in other areas? I mean we have
11 neighborhoods that need better schools, we have
12 neighborhoods that need better healthcare. And yet,
13 the NYPD by not taking disciplinary measures, serious
14 enough are costing taxpayers over \$200 million a
15 year.

16 BENJAMIN TUCKER: Well, I think first of all, we
17 are taking disciplinary measures but they are not
18 mutually exclusive and you could have someone be
19 sued. Some people sue the officers and I mean, I know
20 this from our history from the time that I was in the
21 department. This is not anything new but you can
22 have officers who are sued, many officers who are
23 named in actions and there is no wrong. So, the city
24 can sometimes settle those cases and yeah, if we
25 didn't have those cases and perhaps if we didn't

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2 settle them, we would certainly not be spending those
3 dollars. But I can tell you that we also put
4 safeguards in place and in fact, at the beginning of
5 the Administration, recognizing that these losses,
6 many of which turned out to be frivolous but we were
7 paying out on them anyway. We decided to at least
8 address that and challenge some of those suits.

9 CHAIRPERSON RICHARDS: I want to stay here. How
10 much settlements did we pay out? How much was
11 settlements did we pay out for office of Garcia who
12 had to go to lay on this gentleman's neck in the
13 lower east side?

14 BENJAMIN TUCKER: So, in the past, there were a
15 number of suits there and they were not very large
16 sums but they were paid. I mean that's a fact.

17 CHAIRPERSON RICHARDS: They were millions of
18 dollars, that's not large sums of money?

19 BENJAMIN TUCKER: No, no, no, they weren't
20 millions of dollars. You asked about Garcia in
21 particular and I think there were maybe seven suits
22 as I recall.

23 CHAIRPERSON RICHARDS: Seven suits against him?

24 BENJAMIN TUCKER: Seven.

25 CHAIRPERSON RICHARDS: Seven.

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2 BENJAMIN TUCKER: And those suits, the payouts on
3 those were not large.

4 CHAIRPERSON RICHARDS: I don't want to — because
5 I want to get to my colleagues but you don't find
6 that that's an indicator that that's an issue with
7 someone if they have been sued seven times? Is that
8 just by chance?

9 BENJAMIN TUCKER: No, that's absolutely an issue
10 we care about. We have a tracking system, in fact in
11 his case, it's everything because he had some
12 complaints but they never rose to the level of what
13 you would maybe get our monitoring system, well, Risk
14 Management Bureau. So, it really, it was one of
15 those things that slipped through the cracks, I
16 think.

17 CHAIRPERSON RICHARDS: There is a lot of slipping
18 through the cracks going on in the NYPD and that was
19 evident during the protest. And I am interested in
20 how much settlements you are going to be paying out
21 for that.

22 Let me move on quickly because I just want to get
23 to two other areas and then I want to just pass it
24 over to Speaker Johnson. Let's talk about the curfew
25 for a second. Do you think imposing that curfew did

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more harm than good in terms of safety and in terms of community police relations?

BENJAMIN TUCKER: I don't know if it did more harm than good. You know, listen, the Governor imposed a curfew, we reduced it. I think the Mayor brought it down from 11 p.m. to 8 p.m. It was actually designed and I think it was appropriate because we tried to — you know, keep the lid on with respect to some of the damage that was being done by the protestors. Not the peaceful protestors but others.

CHAIRPERSON RICHARDS: Please don't call them protestors. They are not — the people who were you know, looting and that, they weren't part of that, they weren't protestors. So, I just want you to differentiate the two.

BENJAMIN TUCKER: I made that distinction. I think they are separate and apart. So, but that was I think the result of the curfew. As it turns out, things did calm down. I think during that curfew period there were some, we still had people out there causing problems but for the most part, things were peaceful. We had a myriad of stories of people who protested in different parts of the city where there

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2 was no conflict at all. People dispersed as part of,
3 at the time when the curfew hit and they left.

4 CHAIRPERSON RICHARDS: And what was the purpose
5 of barricading people on bridges?

6 BENJAMIN TUCKER: I'm sorry, barricading?

7 CHAIRPERSON RICHARDS: What was the purpose of
8 barricading people on bridges?

9 BENJAMIN TUCKER: I'm not sure what you mean by
10 that.

11 CHAIRPERSON RICHARDS: There were people forced
12 to stay on bridges during the protest. You didn't
13 see those videos of hundreds, if not thousands of
14 people including, I believe Council Member Lander who
15 is on this line, who were stuck on bridges because
16 the police decided to keep them there and barricade
17 them in. You don't have any recollection of that?

18 OLEG CHERNYAVSKY: I think if you are talking
19 about the incident on the Manhattan bridge—

20 CHAIRPERSON RICHARDS: Yes.

21 OLEG CHERNYAVSKY: Right, so that was I believe
22 it was the first day of the 8 p.m. curfew. This was
23 right after, there were four, a string of about four
24 days where we had mass looting, fires burning, cars
25 being burnt out. The curfew was instituted. The

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1 individuals were not trapped on the bridge. The
2 bridge, the entry to Manhattan was closed at 8 p.m.
3 consistent with the curfew. The individuals that
4 were coming over the bridge had the Brooklyn side of
5 the bridge open and that's how they ultimately exited
6 the bridge, but the Brooklyn side was not closed.

8 CHAIRPERSON RICHARDS: Sir, you know, I'm trying
9 to have a straight conversation with you all today.
10 We're not going to – if you didn't come here to give
11 truth, I don't know how you repair the damage in the
12 NYPD has done to your public, to the public's view of
13 you. People were barricaded on those bridges. They
14 were pepper sprayed. They were beat with batons. I
15 don't think our eyes were lying to us. So, I don't
16 want to stay here, I'm going to move on but I want to
17 say, if you didn't come to speak your truth, you are
18 doing more harm to yourselves and the damage after a
19 while becomes, which it is, is in basically in a
20 state of an emergency, it becomes irreparable.

21 So, I don't appreciate the NYPD coming here today
22 without speaking truth, because our eyes did not lie
23 to us.

24 I just want to last question, get into the
25 budget. We've spoken about the \$6 billion NYPD

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2 budget. The Mayor obviously has now been dragged to
3 come on board in terms of cuts. What cuts are the
4 NYPD looking at?

5 BENJAMIN TUCKER: Well, I think it was somewhere
6 about \$1 billion.

7 OLEG CHERNYAVSKY: We're, I mean, we're working.

8 BENJAMIN TUCKER: We're having discussions about
9 it.

10 CHAIRPERSON RICHARDS: So, you are supportive of
11 cutting \$1 billion?

12 BENJAMIN TUCKER: No, we're not.

13 CHAIRPERSON RICHARDS: You just said you were
14 looking at \$1 billion.

15 BENJAMIN TUCKER: Oh, that's what has been
16 proposed but we're not looking at \$1 billion. I
17 mean, that would be seriously harmful to the
18 Department and to the city, frankly. But there are
19 discussions about what that number will look like.
20 You know, what we would be willing to do in trying to
21 balance the provision of those dollars in the cuts
22 against the impact it will have on enforcement
23 operations for the city.

24 CHAIRPERSON RICHARDS: And you do understand that
25 you can't make those decisions, solely right? Like,

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the City Council has to pass the budget. So, this is not your sole discretion that we –

BENJAMIN TUCKER: It wouldn't be my sole discretion. It would be–

CHAIRPERSON RICHARDS: Okay, alright, I'm going to come back later but I will go to Speaker Johnson because I have taken up a little bit of time but I'm sorely disappointed in the fact that we didn't hear a lot more condemnation on the part of your officers' actions during my questions.

Speaker Johnson?

SPEAKER JOHNSON: Thank you Chair Richards. I want to give of course the sponsors of the legislation time to ask questions and talk about their bills and Resolutions. So, I'm going to try to get through this like really quickly.

I want to ask a few questions about the protest that have happened as Chair Richards just asked some questions. I know there are multiple investigations going on but these are pretty straight forward and I'm not asking for individual situations. I am asking generally.

The Mayor was asked whether he approved tactics used at the protest, including the use of batons. He

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2 said he had approved the broad strategies and
3 sometimes very specific choices. Those were his
4 words. "Approved the broad strategies and sometimes
5 very specific choices."

6 Earlier in the week, the Mayor said, "I don't
7 accept peaceful protestors being beaten period." And
8 I want to be clear about that. The plan and it's
9 been the same day after day but if there is a
10 peaceful protest, it is being respected. He said he
11 wanted "minimum intervention, minimum force, lots of
12 restraint."

13 So, I want to ask you Deputy Commissioner Tucker,
14 what tactics and level of force did the Mayor
15 actually approve?

16 BENJAMIN TUCKER: He had to approve what we think
17 was the proper tactics to take. And so, I don't know
18 you know, what he, I was privy to his conversation
19 about what he was approving but I will tell you that,
20 you know, the officers when we're on the line have –
21 but we have demonstrations for protests. We have to
22 properly equip these officers. They are going out
23 there, they have to, they wear helmets and have
24 batons. Those are not you know, window dressings,
25 they are used to protect and to do their job.

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2 So, the fact that they have equipment, I mean, we
3 give officers firearms for Christ sakes. They need
4 them. They need batons if they are trying to do
5 crowd control. They are trained to do crowd control.
6 We try to do that when it's only when it is
7 necessary.

8 And so, when you say that we are beating peaceful
9 demonstrators, that's troubling because we had, as I
10 said, the cases that we're aware of, that we are
11 investigating and have been investigated pretty
12 quickly and swiftly have a variety of different
13 situations that occurred. Most of which or many of
14 which we saw on the videos. Whether it was cars or
15 whether it was door opens or opening of a door or
16 pushing individuals in the Garcia case.

17 So, all of those instances are not being ignored,
18 have not been ignored and we are moving forward in
19 those cases and deal with the discipline of those
20 officers. And in fact, those are, I mean, we
21 actually were able to do that in a really quick
22 turnaround despite the fact that many people because
23 of COVID, you know, if officers are being questioned,
24 they have to have attorney's present and so, we were
25 able to work all of that out within the challenges

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2 that COVID presents in bringing people in and having
3 interviews and so forth.

4 But all of that happened within weeks.

5 SPEAKER JOHNSON: Commissioner, I just want to
6 say that what you are saying here today and what the
7 Mayor has said at his press conferences is in some
8 ways just very apparent contradiction to the videos
9 that we've seen. The videos have not lied. They are
10 very clear, and the firsthand accounts from legal
11 observers, from people who were arrested. I know
12 there are people that are going to testify here today
13 who were arrested and there is documentation of them
14 being attacked while they were peacefully protesting,
15 with batons, betting kettled, being arrested,
16 officers not wearing masks. All of these things I
17 think are apparent by video documentation by
18 journalists who were reporting on the ground what was
19 happening. By legal observers who are putting
20 forward sworn testimony that this is what they
21 witnessed and I think that it's important that there
22 is an acknowledgment of that sort of broadly,
23 generally. I know we can't speak probably about
24 specific individual circumstances because I don't
25 have all the information on every single individual

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2 circumstance but you know, I think one of the really
3 unimaginable things that these daily press
4 conferences where one thing is said but all the
5 evidence, the videos, the firsthand reports from
6 reporters aren't in line with what New Yorkers are
7 being told happened and it's hard for us to have
8 these honest conversations when there is a total
9 disconnect I think from the reality that's been
10 experienced on a nightly basis by hundreds, if not
11 thousands of New Yorkers.

12 BENJAMIN TUCKER: Let me just say this because I
13 don't think there is a disconnect. I think, like I
14 said to you before, I just laid out a list events
15 that took place while on video that people complained
16 about that that we took action.

17 So, if there are other complaints out there, they
18 should come to us but when it comes to — you know, I
19 don't think there is a disconnect between what the
20 Mayor said and what happened. I wasn't present to
21 the conversation where he says, as you just described
22 it but the truth is, when it comes to the officers
23 being out there doing their jobs to the extent that
24 there are complaints about what they have done and
25 how they conducted themselves, when they come to our

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attention, we follow up. And we don't give instructions to beat people who are demonstrating.

SPEAKER JOHNSON: Do the NYPD have written plans for responding to the protests/

BENJAMIN TUCKER: Written plans, listen, we have a discussion, we have planning sessions regularly, daily in fact and from day to day we monitor and try to figure out where we need to put resources and for what reasons. And so, there's always a plan and that plan is nimble and it has to be in order to respond properly in terms of where you put your resources, particularly when you have demonstrations and protestors marching in various boroughs at different times of the day and also, especially when some of those folks have been hijacked with the protestors, the peaceful protestors have been hijacked by the [INAUDIBLE 1:05:01]and they are out there causing harm and sort of getting into the crowd of protestors and then beginning to get violent and directing that violence at police officers which is what the case was in many instances.

And so, you know, it's not as cut and dry as you would have it, as you present it, in terms of what conditions are like and what happens when but I can

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2 tell you that when we've heard from people that this
3 happened or we saw it happen on the video, we
4 unilaterally took steps immediately.

5 SPEAKER JOHNSON: Commissioner, I don't mean to
6 cut you off, I just, is there or was there a written
7 plan? That's my question. Was there a written plan
8 the NYPD has?

9 BENJAMIN TUCKER: It is not written. It's not
10 that we sit down and map out on a table what the
11 plans are. This plan, the plan is really about where
12 you put people. We have information, we heard about
13 the protest -

14 SPEAKER JOHNSON: The reason why I ask
15 Commissioner is it's my understanding that procedure
16 number 213-08 in the Patrol Guide is called unusual
17 disorder plan, formulating a plan and it requires
18 that a physical plan be produced. Why wasn't that
19 done here? Because I believe that's what the patrol
20 guide calls for.

21 BENJAMIN TUCKER: Well, it's a guideline. It's
22 like calling a patrol guide but the plans that get
23 scripted happen at a table online with individual
24 commanders from each borough with people from
25 headquarters. So, there are lots of conversations.

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Those conversations take place and to the extent that there are notes on who is doing what and how many people we need and where are we going to deploy them. That's the plan but the Guide that you just referenced is in place so that we have some structure for how that process works.

SPEAKER JOHNSON: Okay, I'm going to finish here just two very quick questions. I have a lot but I'm not going to get into them because there is a lot of colleagues that have questions and a lot of people to testify today. Are there any consequences for officers who interact with the public without wearing a mask?

BENJAMIN TUCKER: They are supposed to wear mask.

SPEAKER JOHNSON: What if they don't?

BENJAMIN TUCKER: I'm sorry.

SPEAKER JOHNSON: What if they don't?

BENJAMIN TUCKER: Listen, it depends on why. Listen, you know, I sometimes you know, feel constrained when you ask these questions and these questions don't take into account the real world. The practical implications of what happens in crowd control conditions where officers are being hit with bricks and pipes and Molotov cocktails are being

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2 thrown at the cars. You know, sometimes – and when
3 they are out there, just out there standing. If they
4 sit, they are not wearing masks. If there is nothing
5 going on and they take their mask off, no, we're not
6 going to discipline them for that.

7 I mean, you have to have some context and some
8 congruity with respect to what the real world – what
9 is happening at that moment and time. So, you know,
10 we don't have supervisors, yeah, if they are out
11 there and they are taking action and they should be
12 reminded to put the mask on, they should put it on
13 but there may be cases where they take it off for a
14 reason.

15 Maybe it's hot. Maybe they can't breathe, I
16 don't know but I couldn't give you and I wouldn't
17 necessarily know because I'm not there, I'm not out
18 there on the street watching that particular officer
19 and asking them why they didn't have their mask on.

20 So, I think, I get that, but you know, that's not
21 something that I would discipline an officer for, if
22 he doesn't have his mask on and to the extent that
23 you know, the reality is, that situation out there
24 was fluid, it was challenging –
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2 SPEAKER JOHNSON: But Commissioner, I just want
3 to say that in protests all over the city when police
4 officers are at the front, at the back, on the sides,
5 standing on the sidewalk, in large groups together.
6 I was in Washington Square over the weekend and there
7 were dozens of police officers standing near the arch
8 and they were all together standing very closely
9 together with people all around them. There was no
10 one "enforcement action" going on and not a single
11 officer was wearing a mask.

12 The public were wearing masks but there was no
13 officer wearing a mask and they were just sort of
14 standing around and they were not six feet apart from
15 each other. And if the message that we're giving as
16 a city in reopening and over the last three months,
17 where so many people have sacrificed a lot to get us
18 to the place where we could reopen, if the public
19 health recommendation by city leaders is that you
20 should be wearing masks for safety reasons but also,
21 as a show of solidarity that it is the right thing to
22 do and we want to be role models for each other to
23 actually have masks. When you see groups of officers
24 standing in close proximity to each other and not
25 near any protestors. They didn't even have the masks

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2 around their neck. It wasn't like they could just
3 pull there mask up. There were no masks, there was
4 nothing and this has been documented protest after
5 protest. And so, my question is, what is the
6 Department doing to improve mask use? Will high
7 ranking members of the Department recommit to setting
8 an example by wearing face masks consistently? To
9 show officers that that is the appropriate action we
10 should be taking.

11 BENJAMIN TUCKER: Well, not only do they wear
12 them but they also ask the officers and remind the
13 officers to put their masks on. So, the message went
14 out, we actually had that acknowledgement on the
15 calls that we had daily with the police commissioner
16 and the CD leadership to the job.

17 So, to your point, that was done on a number of
18 occasions.

19 SPEAKER JOHNSON: Okay, thank you Chair Richards.
20 I have a lot more questions but I know we have
21 colleagues, so I want to turn it back to you.

22 COMMITTEE COUNSEL: Thank you Mr. Speaker. I
23 will now call on Council Member bill sponsors
24 followed by other Council Members in the order they
25 have used the Zoom raise hand function. If you would

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2 like to ask a question and you have not yet used the
3 Zoom raise hand function, please raise it now.
4 Council Members, please keep your questions to five
5 minutes for the first round and two minutes for the
6 second round. The Sergeant at Arms will keep a timer
7 and I will let you know when your time is up. You
8 should begin once I have called on you and the
9 Sergeant has announced that you may begin before
10 asking your questions.

11 First, we will hear from bill sponsors in the
12 following order, Council Member Gibson followed by
13 Council Member Ampry-Samuel, followed by the Public
14 Advocate if he is still with us, followed by Council
15 Member Lancman, Council Member Cabrera, I'm sorry,
16 Council Member Rivera followed by Council Member
17 Cabrera.

18 I will now turn it over to Council Member Gibson.

19 SERGEANT AT ARMS: Time starts now.

20 COMMITTEE COUNSEL: Council Member Gibson? Okay,
21 we can come back to Council Member Gibson. Let's
22 turn it over to Council Member Ampry-Samuel.

23 SERGEANT AT ARMS: Time starts now.

24 COUNCIL MEMBER AMPRY-SAMUEL: Hi, there's a lot
25 of people that want to weigh in and have questions

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and so, I am not at all going to waste anyone's time because I would really like to get an opportunity to hear from the people on this.

But we already know what it is. You know, the whole, there is a policy in place. It didn't work. Police officers felt that they were above the law and there is a need to be able to have a private right to action and if that's what it is going to take in order for behaviors to change, than that's just what it is. And so, that's all I have to say.

Thank you so much every one again, and I look forward to the testimonies. I don't want to waste time.

COMMITTEE COUNSEL: Thank you. I will now turn it over to Council Member Lancman.

SERGEANT AT ARMS: Time starts now.

COUNCIL MEMBER LANCMAN: Thank you very much.

Good morning, well, good afternoon now. You know, as I mentioned in my opening statement, the NYPD's chokehold ban in affect at the time of Eric Garner's death in 2014, prohibited chokeholds with no exceptions. But in 2016 the NYPD watered down its use of force guidelines by introducing eleven factors to be considered when evaluating the reasonableness

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2 of a use of force and specifically, procedure 221-01
3 of the patrol guide had enforce guidelines provided
4 as follows: Members of the service SHALL NOT, all
5 caps SHALL NOT, use a chokehold and that sounds
6 pretty definitive. But then, this new Use of Force
7 guidelines went on to say, any violations of the
8 above forced prohibitions maybe reviewed on a case by
9 case basis by the Use of Force Review Board to
10 determine whether under the circumstance the actions
11 were reasonable and justified.

12 So, what might make under current NYPD policy a
13 so-called prohibited chokehold not prohibited. I
14 want to ask the Committee Counsel to put up a slide
15 and just give them a moment to do that. Because I
16 think it's important for the public to see what are
17 the rules that the NYPD has in place and why they are
18 proven so inadequate.

19 COMMITTEE COUNSEL: In a moment we will be
20 sharing a document via the Zoom platform. For those
21 of you streaming from our website, please put the
22 download link to obtain an accessible copy of the
23 document. It should be posted momentarily.

24 COUNCIL MEMBER LANCMAN: Thank you very much.
25 So, as you can see it says, in determining whether

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2 the use of force is reasonable and that applies to
3 chokeholds as well. Members of the service should
4 consider the following, and then it goes A-K, which
5 adds up to eleven circumstances considerations that
6 could undermine what otherwise says in the patrol
7 guide and what had previously been an absolute ban on
8 chokeholds including they have to highlight J, the
9 presence of hostile crowd or agitators. That's
10 remarkable to me by the way that the NYPD in 2020
11 still has the word agitators in its Patrol Guide.

12 Now, I have seen no – I'm not aware of any rule
13 that is so completely swallowed up by its exceptions
14 as the NYPD's current so-called ban on chokeholds.

15 Since 2016, when this Use of Force was put in
16 effect, there have been 742 chokehold and restricted
17 breathing complaints made to the CCRB. That's well
18 over 200 a year and we are on track, that is through
19 May 31st, so we are still on track for this year
20 believe it or not.

21 So, my first question is having loosened the use
22 of force guidelines and Committee Counsel, you can
23 put the document down so I can see the witnesses and
24 they can see me. Having loosened the Use of Force
25

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Guidelines, does the persistence of chokehold use really surprise you? Commissioner Tucker?

BENJAMIN TUCKER: Well we didn't loosen the guidelines in my view. Given guidance, that's what 22101 is designed to do. The prohibitions on chokeholds is firm, it shall not be used. There are those times and maybe other times when you can use it, but we is prohibited and so, you have to make that defense if you are an officer and you use a chokehold -

COUNCIL MEMBER LANCMAN: I'm sorry, I just want to understand what you are saying because the sentence that you just said. You said, the chokehold is prohibited and in the next sentence or in the next breath you said, but sometimes you can use them. And so, is it any wonder that with that kind of back and forth, with that kind of confusion, it's prohibited, accept. I'm asking you, are you surprised that there are still over 200 plus chokehold and restricting breathing complaints a year made to the CCRB? Do those numbers surprise you?

BENJAMIN TUCKER: Not necessarily. I mean, you know, people file complaints and their definition, I don't know what those complaints look like and I

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2 don't know the substance and so CCRB will send, when
3 they get the complaint, they will evaluate it and it
4 comes to us with their recommendation.

5 COUNCIL MEMBER LANCMAN: Okay, so let's talk
6 about that. Let's use 2018 as the last year that we
7 have a full report from the CCRB. There were 19
8 chokehold or breathing complaints that were
9 substantiated by the NYPD in 2018. Can you tell us
10 if any of those officers –

11 SERGEANT AT ARMS: Time is expired.

12 COUNCIL MEMBER LANCMAN: Were fired. Sorry, just
13 a point of order, it's my understanding that I will
14 have more time to continue these questions, am I
15 correct?

16 COMMITTEE COUNSEL: Please continue.

17 COUNCIL MEMBER LANCMAN: Thank you. So,
18 Commissioner Tucker, can you tell us how many if any,
19 police officers have been fired as a result of a
20 chokehold complaint that was substantiated by the
21 CCRB?

22 BENJAMIN TUCKER: Probably none.

23 COUNCIL MEMBER LANCMAN: None.

24 MATTHEW PONTILLO: In 2019 one.
25

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COUNCIL MEMBER LANCMAN: So, that's one,
Pontillo?

MATTHEW PONTILLO: Yes.

COUNCIL MEMBER LANCMAN: Can you tell me how many
police officers were suspended? CCRB substantiated?

BENJAMIN TUCKER: Actually, I don't have the
number so, but we can get it for you.

MATTHEW PONTILLO: I don't think anyone was
suspended.

BENJAMIN TUCKER: Any?

MATTHEW PONTILLO: No, none.

BENJAMIN TUCKER: No, none.

COUNCIL MEMBER LANCMAN: Zero. Okay, let's move
on. Demands repeatedly criticize this bill because
it lacks an exception if an officer finds himself in
a life or death situation. I want to dispense with
that. I don't see that in your testimony, I didn't
hear that in your testimony this morning. Do I
understand from its absence in your testimony that
the Mayor is abandoning this particular objection?

BENJAMIN TUCKER: No, I wouldn't jump to that
conclusion at all.

COUNCIL MEMBER LANCMAN: I see, because in your
testimony you identified two changes that needed to

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2 be made to the bill which we'll get to. Neither of
3 them was that we add a life or death defense and I
4 would assume that's the case because as we have told
5 the Mayor from the day that we introduced this
6 legislation, that a police officer's life or death
7 defense exists and fixed in state penal law. Which
8 the Council could not take away or interfere with.

9 So, are you here today to in addition the two
10 changes that you want made to the bill, are you also
11 insisting that we add a life or death defense to the
12 language of this bill?

13 BENJAMIN TUCKER: No, we're not.

14 COUNCIL MEMBER LANCMAN: Okay, I just wanted to
15 clarify. So, we're not objecting to the bill anymore
16 because it supposedly doesn't allow for an officer to
17 use a chokehold in a life or death situation. Let's
18 get to your objections to the bill as I understand
19 them.

20 They have to do with the lack of in
21 intentionality of an intent feature in the bill and
22 it has to do with the inclusion, the restraints on a
23 suspects diaphragm. You complain or your concern
24 that the bill criminalizes "incidental contact with a
25 person's neck or chest", your words.

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BENJAMIN TUCKER: Yes.

COUNCIL MEMBER LANCMAN: The language of the bill says no person shall restrain an individual in a manner that restricts the flow or air, flow of air or blood by compressing the windpipe, diaphragm, or the corroded arteries on each side of the neck. Do you consider contact that restricts the flow of air or blood by compressing the windpipe, diaphragm, or corroded arteries on each of the neck to be incidental?

OLEG CHERNYAVSKY: It could be Council Member.

BENJAMIN TUCKER: Yeah, that's the challenge.

OLEG CHERNYAVSKY: Right, it creates a standard of strict liability. I think that's really the issue. I think what you are trying to say is that you are not trying to capture that kind of conduct, which I'm assuming that you are not.

COUNCIL MEMBER LANCMAN: I'm trying to understand the Commissioners use – an understanding of the word incidental. Alright, because we understand that there is a lot of incidental contact in the course of effecting – especially if someone is providing some level of resistance but even if they are not.

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2 But this bill, by its terms, requires that that
3 contact restrict the flow of air or blood by
4 compressing the windpipe, diaphragm, or the corroded
5 arteries on each side of the neck and I'm having
6 trouble understanding how that level of contact, that
7 has that effect can be described as incidental.

8 OLEG CHERNYAVSKY: Well, because you can be in a
9 struggle and both the officer and the suspect fall to
10 the ground and the officer falls on top of the
11 suspect, you are not putting a timeframe on the
12 amount of time the air is restricted. It can be a
13 split second. It can be a Heimlich maneuver would be
14 captured in this. There is no timeframe that's
15 captured in the way the bill is written that an
16 incidental contact could be something as simple as an
17 officer falling on top of a subject during the course
18 of an arrest. It can be CPR of somebody that we
19 arrest but we need to render aid to.

20 COUNCIL MEMBER LANCMAN: Well, I find the CPR and
21 the Heimlich maneuver example very interesting. The
22 bill again by its terms, only refers to conduct in
23 the course of effecting or attempting to affect an
24 arrest.

25

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COMMITTEE COUNSEL: I'm sorry, one more minute.
Thank you.

COUNCIL MEMBER LANCMAN: Is the use of CPR or the Heimlich maneuver an arrest technique that I'm not familiar with?

OLEG CHERNYAVSKY: Individuals, it's not uncommon, it's actually quite common that if there is an individual discharging their weapon at the police officers and the police officer returns fire and strikes the subject. The minute the subject is disarmed, the officer begins to perform CPR, chest compressions –

COUNCIL MEMBER LANCMAN: Do you reasonably describe that A, that an officer might provide to an injured or struggling person as being in the course of affecting an arrest? It's incidental to an arrest. There is a good use of the term incidental.

OLEG CHERNYAVSKY: But I think Council Member, you see, I think that's really the issue. It doesn't seem that you want to do that either, so why not clarify the bill. We're not sitting here and telling you not to pass the bill. We understand the bill is going to be passed but doesn't it make sense –

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2 COUNCIL MEMBER LANCMAN: But here is what you
3 want and what we're not going to give you. What you
4 want is to include language in the bill requiring a
5 level of intent. That is the exact same language
6 that officer Daniel Pantaleo used to get himself
7 acquitted by the trial judge, by the Administrative
8 judge in his NYPD trial.

9 Daniel Pantaleo was acquitted of intentionally
10 strangling Eric Garner. He ended up being convicted
11 of recklessly using and chokehold. And so, by using
12 this intent language, you ought to make this bill
13 identical to the state law which we have shown –
14 which has not proven to be effective and which, as I
15 said, literally is what enabled Daniel Pantaleo to
16 get acquitted at his NYPD trial.

17 And the CPR or Heimlich maneuver is just what
18 somebody you know, on your staff or you thought was a
19 clever way to highlight that issue. But we are being
20 very clear. There exists a state law on
21 strangulation. We are not here to mimic that. We
22 are taking the NYPD's own policy of banning
23 chokeholds absolutely which is supposed to have been
24 in place since the 90's and we are making that policy
25 a crime. And we are not going to let you distort

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2 this bill undermining this bill by adding an intense
3 standard that was proven to be ineffective in no less
4 a dramatic situation then in the trial of Daniel
5 Pantaleo for his killing of Eric Garner.

6 COMMITTEE COUNSEL: Thank you Council Member.

7 COUNCIL MEMBER LANCMAN: My time is expired,
8 thank you very much.

9 OLEG CHERNYAVSKY: I can just quickly respond.

10 We're not commenting on the bill on any one
11 particular case. We're commenting on the bill based
12 on the realities of situations officers are thrust
13 into and you know, based on our exchange
14 respectfully, it seems that you are not looking to
15 cover unintentional contacts based on at least the
16 examples I described and that's really where we're
17 going with this and there is literally two words that
18 could be changed in the bill that can bring it into a
19 place where you simply aren't criminalizing
20 unintentional behavior.

21 COUNCIL MEMBER LANCMAN: If an officer engages in
22 conduct that has the effect of "restricting the flow
23 of air or blood by compressing the windpipe,
24 diaphragm or the corroded arteries on each side of
25 the neck, I am comfortable that that officer has

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committed a wrong that is serious enough that it should be punishable by a misdemeanor.

COMMITTEE COUNSEL: Thank you. We will now turn to Council Member Rivera followed by Council Member Cabrera.

SERGEANT AT ARMS: Time starts now.

COUNCIL MEMBER RIVERA: Thank you. I want to just echo my Council Members questions. You said earlier Deputy Commissioner response to the Speaker's question that the patrol guideline which contains the so-called ban on chokeholds that you referred to is just a bunch of guidelines.

So, how can you honestly call it a ban when you've admitted just today that the guide really doesn't have to be followed by officers?

BENJAMIN TUCKER: No, I made that comment in respect to the crowd control issue, not to this issue. But I think you misconstrued what I said earlier.

COUNCIL MEMBER RIVERA: Do you want to clarify?

BENJAMIN TUCKER: Well, I'm not sure what you are saying in the language you just used.

COUNCIL MEMBER RIVERA: You call it a bunch of guidelines. So, can you honestly call it a ban when

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2 you've admitted just today that the guide doesn't
3 really have to be followed by officers?

4 OLEG CHERNYAVSKY: I think Council Member, if I
5 could just clarify, I think you are using the
6 Commissioners statement with respect to the Speaker
7 asking him were there protocols written down on how
8 to police the protests and he raised the particular
9 patrol guide section on how to police situations of
10 disorder, I believe that's the title and that's what
11 the Commissioner said, there are guidelines because
12 of the fluidity of the situation on the ground. That
13 particular patrol guide section was a guideline.

14 The patrol guides prohibition on the use of
15 chokeholds is a prohibition.

16 COUNCIL MEMBER RIVERA: So, there are certain
17 sections of the guide that have to be followed in all
18 cases?

19 OLEG CHERNYAVSKY: No, it's not -- right, I mean
20 absolutely they have to be followed in all cases but
21 the section that the Speaker was talking about is
22 designing a plan to policing an event. And I think
23 you understand that the fluidity of the event, the
24 events that we saw on television unfolding, you can't
25 sit in an office and just say, this is the plan and

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1 things change on the ground and that plan can no
2 longer be followed. That's what we were talking
3 about.
4

5 COUNCIL MEMBER RIVERA: I guess the issue is
6 that we feel like we're hearing and you know, we're
7 trying to understand that it sounds like certain
8 sections of the guide have to be followed word for
9 word, and there are some sections of the guide that
10 do not.

11 So, we're trying to get clarity and consistency
12 and that is why we have the legislation before you
13 today.

14 OLEG CHERNYAVSKY: I think the distinction to be
15 made is that the patrol guide in some cases will
16 describe general parameters to follow for example,
17 when developing an unusual sort of plan and the types
18 of things that that includes but it yields a certain
19 amount of discretion for police officers and
20 commanders.

21 When we talk about the use of force section in
22 the patrol guide, it's an absolute prohibition.
23 Right, so the paragraph begins in bold face all caps
24 prohibitions. And then it goes on to say members of
25 the service shall not again **"USE A CHOKEHOLD"**. So,

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2 that prohibition is absolute. It is not a loose
3 guideline. That is Department Policy.

4 COUNCIL MEMBER RIVERA: I guess the issue is that
5 clearly there needs to be concrete rules then for
6 protests in the Patrol Guide, because the past two
7 weeks and the I guess "discretion" that you give to
8 officers have resulted in an unmitigated failure in
9 terms of de-escalation by the NYPD.

10 So, let me just move on because I don't want to
11 take any more time. I've been graciously given a lot
12 of time. So, a month before these protests began,
13 Officer Francisco Garcia sat on the neck of one of my
14 constituents Donnie Wright. In a very similar
15 fashion, unfortunately to the way that George Floyd
16 was murdered by a Minneapolis police officer.

17 Given that Garcia is still a member of the NYPD
18 and the officer in Minneapolis is sitting in a jail
19 cell, can you tell me if there any differences in
20 these two cases besides the painful fact that Donnie
21 Wright is thankfully alive and George Floyd is not?

22 BENJAMIN TUCKER: Look, the difference simply is
23 the process. So, we have, as I mentioned earlier, we
24 have taken action against Garcia for his conduct in
25

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that specific instance. So, we don't unilaterally
fire -

SERGEANT AT ARMS: Time is expired.

BENJAMIN TUCKER: Strictly construed to do it in terms of the rules that we use to process these cases. So, we did the investigation, the investigation is complete. It is now with Department Advocate and the Department Advocate will draw up charges and then it will prompt up to me before going onto the Police Commissioner for a recommendation of the decision.

So, this investigation was conducted. I can tell you that there were probably just under twenty interviews conducted as part of it and it made its way probably within three weeks to pretty much the conclusion and determination. So, that's all I can say about it but it has moved pretty swiftly based on what we've observed and both on the street and through some other videos. So, yeah, that's where we are.

COUNCIL MEMBER RIVERA: I just want to say because my time is up, that that cop, like the Minneapolis cop, I'm speaking on Officer Garcia has a long record of misbehavior, so we're hoping that this

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hearing and everything else that is happening in this state and in this city and across the country results in the termination and charging of officers with long records of police brutality and the history of terrorizing Black and Brown communities in our city.

Thank you so much to the Chair and for all of you for the time.

COMMITTEE COUNSEL: Thank you Council Member Rivera. I don't see Council Member Cabrera, so I will now turn to Council Member Holden followed by Council Member Adams, followed by Council Member Miller.

SERGEANT AT ARMS: Time starts now.

COUNCIL MEMBER HOLDEN: Thank you Chief. I just want to, hold on, let me just turn on my video here for a second, I'm sorry. Okay, there I am.

Thank you Chief, it seems everyone knows how to police. NYPD and the good officers seem stuck between a rock and hard place. The Mayor sets a curfew right and asks the NYPD to enforce it. They do and what happens? The police get blamed for enforcing it. Also, just to set the record straight, the people burning police cars, hurtling bricks, and throwing Molotov cocktails at cops were protestors.

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2 Okay, and people forgot that already. Forget that
3 fact that the stats do not bail out systemic NYPD
4 racism. I am not seeing it. I don't think the stats
5 do say that but the antipolice rhetoric continues and
6 some elected officials forgot that words matter and
7 painting the NYPD with a broad brush.

8 I guess they forgot the names of Police Officer
9 Rafael Ramos and Police Officer Weijian Liu who were
10 shot dead sitting in their patrol car on December 20,
11 2014.

12 Commissioner Bratton concluded that antipolice
13 protests serve as an inspiration for the disturbed
14 man who killed them. Also, maybe people forget
15 Police Officer Familia who was murdered for her
16 uniform in the Bronx on July 5, 2017. In citing
17 hostility towards the NYPD can have tragic
18 consequences as I just mentioned. And I believe that
19 these are hate crimes against the police, that can
20 occur. So, you know, the frequent commentary that
21 we're hearing today almost is that the protestors as
22 a whole should not be judged by a few bad apples. I
23 heard that in the beginning.

24 Can't that be said about police officers Chief?

25 MATTHEW PONTILLO: Oh, absolutely.

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2 COUNCIL MEMBER HOLDEN: So, you know, these bills
3 that we're hearing today, what would be the
4 cumulative effect, morale, if these bills are passed
5 as is for the police officers?

6 MATTHEW PONTILLO: I think some of the concern is
7 the uncertainty as Commissioner pointed out some of
8 the language in the chokehold bill really leaves a
9 lot of uncertainty. You know, I can envision an
10 example, the bill talks about any pressure on the
11 diaphragm that inhibits breathing. The very fact of
12 the matter is if I have to arrest somebody and they
13 resist arrest, like an violent felony or somebody
14 engaged in an act of domestic violence and now I try
15 to restrain them, but the least intrusive, the least
16 threatening, most effective technique I can use is to
17 grab somebody around their torso. Their arms, their
18 torso and hold onto them, to try to get them
19 restrained and hands up. Technically, even though
20 the restrictions on breathing maybe [INAUDIBLE
21 1:24:01] it would in fact be a restriction on
22 breathing momentarily. Then quite frankly the person
23 who is engaging in some criminal activity has to
24 assume a certain amount of risk and responsibility.
25 So, I think given that level of uncertainty and that

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possibility of a very strict application well, words matter right and the words that are there make a difference. And as Oley pointed out, just a couple of changes in words could redirect that to cover the situations that we all agree should be covered. But not create a situation such that it in anyway prevents or penalizes a police officer from doing their job in a reasonable way.

COUNCIL MEMBER HOLDEN: So, to follow up on that. So, given the liability as created in these bills, what impact will that have on police officers as being proactive to address crime? Do you see a problem, a possible problem?

MATTHEW PONTILLO: This could have a chilling effect. You know, there is a lot of discussion about civil lawsuits and the only thing I would say about that, you know, the mere meaning of somebody defending or even a settlement in a case, is not necessarily indicative of some wrongdoing. Right, in most of these cases, especially when there is a settlement, there is also no fact finding. And you know, the city settles or a lot of those we look at are settled for a [inaudible 1:24:53] or losing

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salary, just because it is cheaper to settle than have a fact finding and go through that.

So, and we do have a group that looks at lawsuits in the department to try to do some fact finding and identify problematic areas and officers but the mere finding of a lawsuit can have a chilling effect and –

SERGEANT AT ARMS: Time is expired.

MATTHEW PONTILLO: Can be used as retaliation by some criminals, we have some now.

COUNCIL MEMBER HOLDEN: And again, this is my last question. How many officers have been injured in the course of these recent riots and looting instances?

MATTHEW PONTILLO: That's over 350 so far, five of them are hospitalized, admitted to the hospital. Over 200 were treated in a hospital and released and others have less serious injuries.

COUNCIL MEMBER HOLDEN: Amazing, I didn't hear that today. Thank you, thank you Chief. Thank you everyone.

COMMITTEE COUNSEL: Next up will be Council Member Adams followed by Council Member Miller and Council Member Cohen. And I will turn it over to Council Member Adams.

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SERGEANT AT ARMS: Time starts now.

COUNCIL MEMBER ADAMS: Thank you so much. Thank you very much and thank you so much for being here Chief Tucker, we appreciate you. We appreciate your service and quite frankly, as the Chair said, thank you Chair Richards as well. As the Chair said, some of us felt that you should be in that lead seat but we'll leave that aside for now. I am very disappointed in what I've heard in this hearing so far today. I'm disappointed that Commissioner Shea did not think that this hearing was important enough and critical enough to be present. To hear this panel, to hear my colleagues and to hear these witnesses that will testify, that have taken time out of their day out of their lives to present testimony that we need to hear.

I am also disappointed to hear a lot of your testimony this morning, Chief Tucker, quite frankly this is such an opportunity for you, for NYPD to shift a dialogue to shift a perception in the City of New York when it comes to the NYPD, you have the opportunity to shift historical perspective from negative to positive. You have the opportunity to shift feelings of insensitivity, to feelings of

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2 empathy. You have the ability to shift feelings and
3 perception of fallacy on the part of NYPD to truth.
4 And that is something that I have not heard this
5 morning.

6 I also want to side bar and just say to my
7 colleague who spoke before me, I must say that I
8 disagree with over 50 second of what you said in your
9 opening statement sir. I woke up in Brown skin this
10 morning and I will die in Brown skin some years
11 afterwards and our experiences are totally different.

12 With that said, I do respect the NYPD. That
13 said, I got some questions. The NYPD has obviously
14 been noncompliant with wearing face masks and the
15 denial of that is atrocious to me. I have witnessed
16 several commands because I have participated in the
17 several protests over the past few weeks. If PPE is
18 not a priority for the NYPD, why should it be for the
19 citizens of New York City?

20 If there is no disciplinary action, if there are
21 no consequences from the top brass, no wonder, no
22 wonder officers are standing around potentially
23 spreading COVID-19 to myself, to protestors, to other
24 citizens who are exercising their right to protest.
25

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2 With that said, I have a question or two about
3 NYPD and the use of ICE in New York City. Yesterday,
4 the Mayor said that he didn't realize that ICE was in
5 the city helping NYPD. So, let's just get that out
6 there because there have been numerous reports of
7 sightings of ICE in New York City recently assisting
8 NYPD officers. For example, in one instance, an ICE
9 official confirmed that HIS, Homeless Security
10 Investigation special agents, assisted the NYPD in
11 detaining a protester last week.

12 So, can you please tell us why and in what
13 capacity is ICE or HSI working with the NYPD and why
14 the Mayor would deny such.

15 OLEG CHERNYAVSKY: So, if I could briefly
16 comment. So, the Department just to be clear is
17 complying with policies. We worked with the Council
18 on the set of laws that were passed, I believe it was
19 a year or two ago. One denying the use of city
20 resources for the purpose of immigration enforcement.
21 Which included the detainer law. I think we have
22 upward to 2,000 plus from ICE. I believe last I
23 checked we have zero that we've complied with.

24 With respect to ICE operating on city property,
25 Ice has jurisdictions to operate anywhere in the

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country. It's not — they can't be barred from entering the city. Whether the NYPD is partnering with ICE to do immigration enforcement, that's the separate question and we are absolutely categorically not doing that.

COUNCIL MEMBER ADAMS: It's just really curious and thank you for your response. It's curious that there have been sightings and there are feelings that dispute that.

My final line of questioning, I have so much more to say but again, there are citizens of the city that really want to testify today a lot. What are your feelings about Minneapolis City Council Members announcing plans to disband the city's police department?

BENJAMIN TUCKER: My feelings?

COUNCIL MEMBER ADAMS: Yes.

BENJAMIN TUCKER: I haven't thought of it one way or the other but you know listen, that's Minneapolis. It's been done before in the country.

SERGEANT AT ARMS: Time expired.

COUNCIL MEMBER ADAMS: Do you feel that NYPD should be taking a very, very close look at it with a

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fine tooth comb with respects to that same line, not that drastically but the same line?

BENJAMIN TUCKER: No, I don't. I haven't think I said my same line and one of the things, we clearly are at odds in this conversation that we've been having for various reasons but I think ultimately, yeah, we are commenting on the legislation. We're trying to avoid having any unintended consequences. I obviously agree with the tenants of what the legislation is trying to accomplish and we want to work with you on that. But we also are you know, committed to going forward to work with you also to think about what are the measures we need to take and we had been introspective ourselves as we are currently working on the penalty matrix and developing. We've been working on that for quite some time.

So, it's not as if we're tone deaf to the concern, we're not and like you, I woke up in this Black skin this morning and I am very much committed, I wouldn't be here if I weren't. I came back to the job because I thought I could add some value, so that's what I'm here to do and I think it's important for us really, all of us, as I said in my remarks.

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1 The conversation, I mean, we've been here before
2 but not quite at this moment and time where it's been
3 this severe and the outcry has been so – but I think
4 you know, the only way we get past this is we have to
5 get to a point where we can hear each other when we
6 talk and really to a point where when that
7 conversation takes place and we can get past the
8 anger and get to really thinking about what else
9 might we do.
10

11 You know, I think it's unrealistic to think about
12 disbanding the police department in a city of 8.6
13 million people. I think you know crime is down as
14 low as it's ever been but there is a reason for that
15 and I think it would be really irresponsible if we
16 took a – that suggested somehow that we were going to
17 disband the New York City Police Department. So, you
18 know, that's my personal view but I believe it to my
19 core. I've been around, I've worked all over. I've
20 worked on criminal justice issue for decades and
21 always committed to how we make things better, both
22 at the federal level and at the local level.

23 And so, you know, that's where I'm coming from
24 and then I think, we are, this agency has made
25 incredible progress, although some of the Council

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Members might disagree but they've been kept abreast of it and we kept the caucus up to date on some of those things.

And I think we have a bit way more work to do but I think we've got to do that together and it can't be, I mean hostility, the question that Council Member Holden raised and touched on. You know, he asked about the number of injuries. We don't need 54 or so people. We also continue to be under attack with you know, I was meeting with my Commissioner for Support Services. We have 232 incidents of vandalism to vehicles; glass, fire, burning cars, police cars, loosening lug nuts on police officers cars, personal cars that are parked outside of their work location. Things like that, so that's been continuous and that's just since June 1st.

You know, I think that's the context in which you know, those things are troubling and of course, when you get to the point where they are throwing – one of these events that just occurred, I think it was in the last 24 hours, was a man where some trucks pulled up into another Molotov cocktail or some device but I haven't gotten confirmation as to what it was. But it was on fire that the threw underneath the van.

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2 So, I think you know, we really as a community,
3 as a city, have an obligation to take the time and to
4 really be focused on how we do that. How do we bring
5 down a temperature and how do we get to a point where
6 the dialogue takes place. We are not you know,
7 afraid of making the kinds of changes that we know we
8 need to make and we'll make those changes. But you
9 know, to the extent that the legislation and some of
10 them don't have to be legislated. Some of them can
11 be done through policy.

12 COUNCIL MEMBER ADAMS: Commissioner, I'm going to
13 stop you because my time has expired a while ago but
14 just to say that no one should condone violence on
15 either side. I just think that we don't need to
16 minimize any bit of violence that has gone on. We
17 needed to take this opportunity today to have a
18 little bit more sympathy for the climate that's going
19 on out there. For the injustices that have gone on
20 out there. For mixing looters and rioters with
21 peaceful protestors and the language that we're using
22 which I think is very disingenuous.

23 So, again, I thank you for your testimony. Thank
24 you very much Mr. Chair.

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COMMITTEE COUNSEL: Thank you Council Member. We will now turn to Council Member Miller followed by Council Member Cohen, and Council Member Powers.

SERGEANT AT ARMS: Time starts now.

COUNCIL MEMBER MILLER: Thank you. Thank you, Mr. Chair, as well Mr. Speaker and Public Advocate. Thank you so much for your support and leadership as well. I want to thank the members of the Black, Latino and Asian caucus for vigorously coming together over the past few weeks and working thoughtfully and intelligently in a very humane way to put this legislative package together. Why are we here talking about this legislative package because it is my philosophy and many of us here that we want to educate, that we want to engage but when you cannot educate, then you are forced to legislate.

In particular 760-A, I understand that there is already a division that deals with this particular issue but if you look at the lack of discipline, the lack of response, even the lack of cohesion between CCRB, and the Department, obviously there is something else that is necessary.

When we look at in particularly Detective Garcia and the fact, what can we expect moving forward

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2 considering over the past few years under the new no
3 chokehold ban, there has not even been a single
4 suspension. What can we expect when all the things
5 that we have seen and what police misconduct in the
6 past have not reflected, have not been consistent
7 with their actions and violations.

8 Let me just say having been a president, business
9 agent and responsible for collective bargaining,
10 responsible for discipline, having seen and worked on
11 discipline throughout the city many different
12 agencies, there is nothing like the NYPD. I am sure
13 that many of the members that I have represented wish
14 that they had the type of leniency that we see in the
15 NYPD. And because of that, we are here today saying
16 that we have given you a chance to self-police.
17 We've given you a chance to address these
18 indiscretion particularly in communities of color but
19 it just not has happened.

20 So, therefore we are here today and we certainly
21 want to hear you. I want to hear why you think that
22 the division and just by his name is telling itself,
23 you can repeat that. Why you think it might be
24 necessary to go further and do you think that this
25 bill gives you the support that kind of will allow

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2 you to navigate the collective bargaining agreement
3 that has been very generous in terms of discipline as
4 it relates to policing and police officers.

5 And then, I want to just echo the sentiments of
6 my colleague previously, Council Member Adams and my
7 colleague Holden that clearly, there are two
8 different experiences. And while I am disappointed
9 by not surprised that it is simply consistent with
10 someone who would call for to bring in the national
11 guards in the community, in a borough, which is the
12 most diverse borough in the county, in the country
13 and has not demonstrated any of the various activity
14 during the protest.

15 And so, I'm really disappointed on that. Again,
16 I'll let you just jump in and begin to talk about the
17 760-A and whether you support it. And or do you
18 think that it will enhance what you guys already have
19 in place and need to do.

20 OLEG CHERNYAVSKY: Yeah, I mean, I'll start off
21 and I think Commissioner Tucker and Chief Pontillo
22 could give a lot more context. But we do support the
23 legislation. The one suggestion that we make and you
24 know we would love to work with the sponsor and the
25 Council on this is, the creation of the system

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1 through legislation, we're not opposing that. The
2 reporting mechanism certainly not opposing that but
3 what the bill does is item by item mandates certain
4 criteria be inside of that system and where that
5 becomes problematic is that when you have an early
6 intervention, early warning system, you want to make
7 sure that the criteria that you put in are actually
8 productive.
9

10 At the end of the day, you want to make sure that
11 the officers that trigger the alarm are actually
12 triggering the alarm right. So, like, I will give
13 you an example, one of the triggers is if an officer
14 makes arrests for disorderly conduct. The reality of
15 the situation is that many officers in lower
16 Manhattan would wind up automatically triggering this
17 because most of the protests in the city and I'm not
18 talking about the protests in the last couple of days
19 —

20 SERGEANT AT ARMS: Time expired.

21 OLEG CHERNYAVSKY: In a normal course of a year,
22 they normally happen in Manhattan south. We
23 generally work with protest organizers when they want
24 to take an arrest for civil disobedience. It's not
25 adversarial. The individuals tell us that's what

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2 they want to do. They will sit in the roadway and
3 then it's a very peaceful arrest. They will stand up
4 ultimately and they will get a summons for disorderly
5 conduct.

6 COUNCIL MEMBER MILLER: I'm sorry, could you talk
7 specifically about the division, the unit that's
8 already in place and why it has not been successful?
9 Why are we seeing Officer Garcia's and all the type
10 of lawsuits that we have seen in the past and why are
11 these people still on the force? Does it not have
12 the teeth that is necessary and obviously if you are
13 tracking them, why aren't you doing something about
14 it? Can you do more?

15 OLEG CHERNYAVSKY: In two seconds, I'm going to
16 kick it over to the Chief. That's really, that's the
17 one suggestion we make about the bill. We support
18 it, we just say that the one suggestion is the
19 criteria for triggering early intervention that we
20 basically leave it to reporting. So, if it's — it's
21 certainly for CCRB complaints, we would wind up
22 reporting that on our website so the public and you
23 all know what the criteria are and if we change the
24 criteria, we will automatically report it on our
25 website as well.

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2 So, everybody that's transparency into how that
3 system works and what the criteria are. So, this
4 way, we can remove certain criteria that don't prove
5 to be useful and replace it with others that are and
6 with that, I will give it to the Chief.

7 COUNCIL MEMBER RICHARDS: Thank you.

8 MATTHEW PONTILLO: We should mention we have Risk
9 Management Bureau. There function is to track
10 employee behavior, performance and look for these
11 negative indicators.

12 So, I would just like to distinguish that from
13 discipline. So, when an employee engages in some
14 misconduct, and we substantiate it and bring penalty,
15 we impose a penalty and penalties can range depending
16 upon the nature on them. Often times, discipline
17 will automatically trigger monitoring by the Risk
18 Management Bureau.

19 The purpose of monitoring is really to identify
20 people who may be at risk or having some issues. And
21 then having some intervention with them. And there
22 are different steps to it. Everything from engaging
23 with their commanding officers with their immediate
24 supervisor or requiring frequent evaluations,
25 conducting interviews, maybe changes of assignment.

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2 It's very nuance and it's all tailored to the
3 individual.

4 Our only issue with the bill, we've looked at
5 programs all over the country, the NYPD was one of
6 the first to have one of these programs and ours uses
7 certain miracle triggers to get somebody identified
8 to the program. So, you have a certain number of
9 complaints, you have a certain number of lawsuits.
10 Some other factors, disciplining, and then if you
11 pick one of these thresholds, then you are screened
12 for monitoring.

13 COUNCIL MEMBER MILLER: I'm sorry, my time, Risk
14 Management is generally an insurance liability issue,
15 right? I mean, when we look at a broader sense but
16 we're just talking about that and do officers fall
17 into this matrix, if in fact they have discipline
18 that was not substantiated or was not collaborated
19 but we know that you got to do something different.

20 MATTHEW PONTILLO: So, it could be.

21 COUNCIL MEMBER MILLER: What triggers this? Is
22 it discipline charges, is it time and attendance?
23 Which is also discipline, or potential discipline,
24 what is the trigger that gets you in there?

25

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MATTHEW PONTILLO: Well, we have a whole set of criteria. We can get you that.

COUNCIL MEMBER MILLER: Is discipline one of them? Is it bringing brought up on charges, disciplinary charges one of them?

MATTHEW PONTILLO: Absolutely.

COUNCIL MEMBER MILLER: And when those charges aren't substantiated or collaborated, but we know something is wrong there?

MATTHEW PONTILLO: Sure, it could be anything from the having your assignment changed, transfer cause, duty status change, service of charge and specifications and position of certain penalties. A certain number of vehicle accidents, we think there is something wrong with you. Excessive absenteeism: there are whole host of factors that play into this. Lawsuits, being named in a lawsuit will trigger a review. So, there are a whole host of factors and they are all evaluated but each one is on a case by case basis because in some cases, some factors may be present and not others. So, it requires analysts to look at this and make a determination.

COMMITTEE COUNSEL: Thank you Council Member.

COUNCIL MEMBER MILLER: Thank you.

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COMMITTEE COUNSEL: We will now move on to Council Member Cohen followed by Council Member Powers and Council Member Rosenthal.

SERGEANT AT ARMS: Time starts now.

COUNCIL MEMBER COHEN: Thank you very much Chair. Thank you, Commissioner, for your testimony. I do want to also say that I am disappointed that Commissioner Shea is not hear. I think it would have sent the right message to the Council if he were able to be here.

You know, I really got to tell you, I have struggled with Intro. 536 you know, for years. I have you know tremendous respect for my colleague Rory Lancman and we've discussed this bill multiple times but I guess what I'm concerned about is, I believe that we have systemic failure here. I believe that the NYPD, the Commissioner's Office, regardless of who is in the Commissioner's Office, the PDA, has been so resistant to common sense reform over the years. Now, you see what's happening and people, you know, it's just gone too far. It's come to a head and that's the failure of us, it's a failure, you know, my failure. You know, I have a bunch of bills. There are bills, rings of bills here

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2 of common sense reform that has all been resisted by
3 the Administration, by the NYPD, by Labor, that we
4 have not gotten to pass and that resistance coming
5 home to roost. And you see it, you know, there was a
6 conversation about police officers wearing PPE and
7 you know, I'm not saying none wear it but a lot
8 don't. Too many don't wear it.

9 There are so many examples of the little things
10 where the NYPD doesn't follow the rules that it
11 disheartens the public and it makes us lose
12 confidence and it brings us to this point.

13 You know, I can't tell you how many times and
14 maybe I'm guilty too. Like, I have all of these
15 officers who like to park with their precinct placard
16 in my commercial district. And when it comes, gets
17 really out of control, I go to the Commanding Officer
18 in my precinct and we work it out and he calls the
19 Commanding Officer from their precinct and it gets
20 taken care of that way but you know, they are not
21 allowed to do that. So, maybe I should have called
22 and say that you know, we're not enforcing the rules
23 and we have this lax attitude toward discipline, that
24 it's secretive, that it's not transparent. I don't
25 understand how anybody can think in relation to 50-A,

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that there disciplinary records should be secret.

You work for us; you work for the taxpayer and you are being accused of doing something on the job. You know, it's logic that that could be hidden from the public.

I'd like to discuss the legislation that passed the assembly yesterday regarding chokehold, can I ask what the Administrations opinion of that is?

OLEG CHERNYAVSKY: Yeah, so it's a lot different I think than the bill that we're looking at locally. I think that bill, we're still reviewing the implications of it. It's certainly limited in scope —

COUNCIL MEMBER COHEN: I can't hear you.

OLEG CHERNYAVSKY: Breathing resulting in serious physical injury or death. There is another portion of the bill that we're reviewing just to make sure there isn't a strict liability component there and again wouldn't capture unintentional conduct but again, the overarching umbrella there is serious physical injury and death. When I compare in contrast you now, the local law versus what passed in the Assembly and the Senate I believe last night is

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that there is no requirement that there is any injury let alone serious physical injury or death.

So, this is as strict of liability as you can possibly get to. The officer may not intent to do the conduct, it could very well be incidental and it will very well be incidental and look, I know and we speak to your point in terms of legislation, we were out on 50-A. I testified personally in Albany. We all testified before the Council even though it was a state law but we were not saying leave it alone, we were [INAUDIBLE 1:40:49] so that certain records, that records that have always been of public concern could have been shared.

It looks like they are doing a version of that in Albany now. I mean there is a repeal but there is going to be amendments as well to other laws that will protect certain information of police officers.

SERGEANT AT ARMS: Time expired.

COUNCIL MEMBER COHEN: Oleg, I just want to follow up on one thing. Is it your understanding if somebody was hurting, you know attacking another person and an officer came upon the scene and in their enthusiasm to get one person off of the person,

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they used, they went around the neck. That would be a crime right, under that statute as proposed right?

OLEG CHERNYAVSKY: Not only around the neck but around the torso and that's the addition of the diaphragm and I mean, I want to make a distinction because it's a very important distinction.

The state standard is a reasonable use of force but when the case gets reviewed, when you create a misdemeanor and you review the totality of that encounter, of that incident and at a certain point each and every move has to get evaluated on its own merit.

So, as the situation escalates, as the situation moves, a certain amount of force maybe deemed okay. Another type of force within that same encounter, a decision could be, well that wasn't okay. When you are in the middle of a struggle as a police officer, you sometimes don't even realize what's going on and you know, what that level of encounter is. There is something to be said about an intentional chokehold.

There is also something to be said about being engaged in a struggle. Sometimes even a struggle to your life and you know, in the course of that struggle, you don't know where your hands are, your

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hands could wind up being around somebody's torso.

You can wind up falling to the ground on top of a subject that you are trying to arrest and applying pressure and restricting breathing and that's —

COUNCIL MEMBER COHEN: I appreciate that and I know I am out of time. You know, I could support the bill that passed the assembly yesterday. I've really been struggling with the bill before the Council. I really encourage the bill sponsor who in know is incredibly thoughtful and the NYPD and the Administration to come up with these legislation that we can work for the NYPD and achieves the goal that the sponsor is trying to advance.

Thank you very much.

OLEG CHERNYAVSKY: Thank you.

COMMITTEE COUNSEL: Thank you Council Member Cohen. Next up will be Council Member Powers followed by Council Member Rosenthal and Council Member Lander.

SERGEANT AT ARMS: Time starts now.

COUNCIL MEMBER POWERS: Right, thank you and I will just echo before I begin, Council Member Cohen's comments about PPE and placards and other things that I think long have been, well, PPE more recently have

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2 been sort of left to be more discretionary and to
3 give a sense that there are two sets of laws here
4 when it comes to the officers versus the public and
5 as elected officials, whether it comes to – I don't
6 have a card, I don't have a placard but when using
7 it, there is a reasonable expectation that I'm
8 obeying the law and I'll get a ticket if I don't and
9 also will be held accountable by the public if I'm
10 not and I do implore the Department to start
11 enforcing its own laws, enforcing the laws including
12 wearing a masks and coverings and so forth.

13 Can I just ask a question, I mean this was
14 brought up a few times but Commissioner Shea is not
15 here and is there a reason why?

16 BENJAMIN TUCKER: I'm here because most of what
17 we're talking about is in my portfolio. So, this is
18 the way we've been doing hearings forever. So,
19 that's one reason but also, you know, I can't speak
20 for him but I know that he's been in contact with a
21 number of the members of the Council available to
22 you, and he's spoken to a number of people, New
23 Yorkers out there and so, it's not as if he's – you
24 know, he's around and he's engaged and he's involved.
25 So, but this particular set of issues and these bills

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2 are certainly the kinds of issues that I would
3 normally deal with. Discipline falls under – it's in
4 my purview, risk management, labor relations, you
5 name it. It's a pretty broad portfolio, personnel
6 generally, training, criminal justice bureau. So,
7 that's why. I mean, it's been asked like several
8 times today and people you know, suggest that
9 somehow, he doesn't want to be here and I don't think
10 that's the case at all.

11 COUNCIL MEMBER POWERS: Okay, I'll touch up
12 there. I mean, I only have so much limited time. I
13 guess the point is, I think others have said, he
14 should be here. I wanted to ask him and hear the
15 explanation for why he wasn't here. What I think is
16 perhaps a very important moment for the Commissioner
17 to be speaking to the public and to the Council
18 around what has happened and to speak both from the
19 NYPD vantage point but also, to address the public
20 about those things. But I appreciate you gentleman
21 being here as you always are before the Council.

22 I have a question, you know, when you look at
23 Minneapolis, obviously there was a lot of outrage but
24 part of it was around the other three officers that
25

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2 did not intervene and did not step into prevent that
3 maneuver from killing George Floyd.

4 That outrage to me is well placed and as I have
5 talked to officers in my precincts, we have talked
6 about how do you make sure that your amongst your own
7 colleagues is accountability. Are there disciplinary
8 measures for officers who don't prevent another
9 officer from de-escalating or engaging a thing like a
10 chokehold? Is it in the NYPD rules or what is the
11 accountability measure for an officer that does not
12 intervene to prevent a death or a serious injury of
13 an individual.

14 BENJAMIN TUCKER: We do, there is, they are
15 required to intervene and it's in the Patrol Guide as
16 well.

17 COUNCIL MEMBER POWERS: Can you get us the
18 section, what is the section?

19 OLEG CHERNYAVSKY: It will be 22101-22102. You
20 will see we had the discussion earlier about the NYPD
21 revising two policies. You know, with all of these
22 matters, it's always an effort for continuous
23 improvement. So, on 2016, consolidating the cases of
24 use of force or together in a single grouping,
25

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developing a reporting requirement, well, by the way
— way ahead of our —

COUNCIL MEMBER POWERS: Guys, guys, guys, sorry,
because it's just a timing factor. What is the
penalty for an individual who does not stop their
colleague from and I'm not trying to penalize yeah.
Like I just, when I am with somebody and they do
something that is potentially going to endure or
kills somebody, what is the penalty. What is the
Patrol Guides — if it prevents it, what is the
penalty?

BENJAMIN TUCKER: Well, it starts out with if we
determine it's — I mean, it's usually a situation
that's very serious and someone's charges,
specifications are issued and then the penalty
depends on the facts in each of these cases. It's a
case by case and the major of the conduct was
reviewed and the penalty to depend on that and other
factors.

COUNCIL MEMBER POWERS: Okay, so I'm going to, I
have one second but I just —

SERGEANT AT ARMS: Time expired.

COUNCIL MEMBER POWERS: I just urge that we all
look at also ways to make sure that — I think that

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2 that is actually one of those ways to prevent
3 incidents from happening is to have officers, part of
4 solving any sort of escalation.

5 I just want — last two things — one is there has
6 been this discussion that there are right wing groups
7 that are participating in the protests, potentially
8 posing as another group. I think the Commissioner
9 has made that comment. Can you provide any evidence
10 around that? And second, I went over to the holding
11 cells this, I think it was on Saturday to look at the
12 conditions and to get a better understanding of some
13 of the complaints we had heard about 24 people being
14 held for 24 hours, lack of PPE, things like that.

15 We've been hearing the complaints. I will say,
16 your folks did do a good job bringing us in and
17 letting us be able to go in and answer questions, so
18 I wanted to thank them. But can you give us
19 information potentially right now where people, if
20 you arrested for protesting, you are not taken to one
21 police plaza, so where are you taking, how do you get
22 PPE? How do you get meals? How do you get phone
23 calls? Things like that because that has been raised
24 to us.
25

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2 BENJAMIN TUCKER: Yeah, so, you know we, yeah,
3 you mentioned one police plaza, that's when we have
4 large scale events, we open that open that up. It's
5 not a standard day to day spot or everyday processing
6 spot, but we have been using it a lot because of the
7 protests but we also offload to Queens and to
8 Manhattan, lower Manhattan, to the courthouse and to
9 Brooklyn and so, in every one of those sites and if
10 you remember as part of COVID, we use the midtown
11 community court and also Red Hook for processing
12 prisoners as well. In those cases, they were the
13 places where we took prisoners who exhibited signs of
14 being sick, not necessarily COVID, but just in case,
15 so they will process separately but all of the sites
16 have PPE. They get cleaned regularly. There is food
17 that's provided and we try to process people quickly.
18 There is no, the crowds and the number in which we
19 were processing them, the different capacities for
20 policing those locations that I mentioned. So, in
21 Lower Manhattan, we can process probably 250 people
22 with capacity, I think. And then, Brooklyn, I think
23 it's fewer than that maybe 50 plus higher 250, 300.
24 So, yeah, but in every case in every instance, that's
25 what we do. When your arrested, you walk in, you get

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2 a mask, you – are they taking temperatures? I don't
3 know if we are. This is just for the protestors so.

4 COUNCIL MEMBER POWERS: I did not see temperature
5 taking, I did see masks when I was there.

6 OLEG CHERNYAVSKY: So, yeah, there was masks,
7 soap, water, hand sanitizer, obviously food provided,
8 water provide for drinking, not only for washing your
9 hands. Fruit I believe, yeah fruit was provided and
10 yeah, the reason for having the multiple facilities
11 is to try to expedite the process right. So, if you
12 just funnel everyone into one facility, it will

13 cause delays and extend the

14 process.

15 So, we were adjusting, I mean thankfully I think
16 over the last few days, the numbers of arrests are
17 down and I'm not sure if there were any yesterday but
18 numbers are significantly, significantly down but at
19 the height where we had the, you know the nights
20 where we saw the violence in the streets and they
21 were large numbers of arrests made, and I think a
22 couple of nights after there were large numbers.

23 So, we used multiple facilities just to try to
24 expedite the process as soon as possible.

25

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COUNCIL MEMBER POWERS: And just the first question on, I think there was a comment from the Commissioner at one point that there were right wing groups that might have been posing as left wing groups. Can you just address that?

BENJAMIN TUCKER: Well, that's a fact.

COUNCIL MEMBER POWERS: Do you have evidence of that I guess is my question?

BENJAMIN TUCKER: I'm sorry?

COUNCIL MEMBER POWERS: Do you have evidence of that?

BENJAMIN TUCKER: Yeah, we do.

COUNCIL MEMBER POWERS: Can you share with any of us what the evidence might be?

BENJAMIN TUCKER: I don't have the specifics and so, I won't speak to it but we do. We know we have knowledge and I will leave it there.

COMMITTEE COUNSEL: Thank you Council Member, we are going to have to move on.

COUNCIL MEMBER POWERS: Okay.

COMMITTEE COUNSEL: Next up will be Council Member Rosenthal followed by Council Member Lander and Vallone.

SERGEANT AT ARMS: Time starts now.

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2 COUNCIL MEMBER ROSENTHAL: Hey Commissioner
3 Tucker and your team. I just want to be clear about
4 why everyone is asking for what the NYPD, how the
5 NYPD officers behave on the street. He is the one, I
6 assume who sets out the guiding philosophy for what
7 officers are supposed to do and you know there is
8 this very stark comparison between NYPD and Newark.
9 Where in Newark, we have had largely peaceful
10 protests and not so in New York City. You know,
11 seeing the police who are armed up to the hilt next
12 to someone saying, I don't like the way the police
13 are treating Black and Brown people is in itself
14 provocative by the NYPD and I'm curious and the
15 question really does go to the Commissioner why he is
16 setting that tone. What is being communicated or is
17 it lost in translation in what the Commissioner is
18 saying about what the police officers should be doing
19 on the ground to treat the people walking in the
20 street compared to what we are actually seeing.

21 Right, batons, people getting shoved, cars that
22 despite the fact that there is no one behind them for
23 the last ten, fifteen minutes, decide the only thing
24 they can do is to floor the gas. And that's why
25 people are asking where is the Commissioner because

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2 unless he doesn't set the guiding philosophy and you
3 do, and I'd be interested to hear about that, he is
4 the one who you have said is in the private
5 conversations with the Mayor where New York City ends
6 up having police brutality compared to Newark, where
7 that's not happening.

8 So, could you talk about what the guiding
9 philosophy is in the police department? What message
10 is being sent down the ranks and how some of the
11 police officers don't seem to have gotten whatever
12 that message is unless the message is, go full on.

13 Thank you.

14 OLEG CHERNYAVSKY: So, Council Member I guess,
15 I'll start. In terms of the way the officers are
16 dressed, I mean, I think it's important to highlight
17 that you know, they are wearing helmets because we
18 have had officers at the outset of I think this was
19 not last Friday but the Friday before last, struck in
20 the head with brick, with bottles filled cement, hit
21 in the head with fire extinguishers.

22 COUNCIL MEMBER ROSENTHAL: You can't have it both
23 ways with all due respect. Of course, my heart goes
24 out to those officers. Of course, we're all sorry
25 about that but if you could get to the fundamental

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question of, what is the guiding philosophy in the NYPD versus the Newark police such that we see very different results on the street.

OLEG CHERNYAVSKY: What I am trying to do is that you made a lot of points and the overarching philosophy is obviously to be restrained. We've walked with protesters throughout the protest and no enforcement was taken, no arrests were made.

You made a point about the way they were dressed and the equipment they are wearing and it's important to highlight to yourself and everybody watching that we have over 350 officers that were injured. There is videos out there with burning bags. You mentioned the one incident. In that particular incident, the car was pelted with stones.

COUNCIL MEMBER ROSENTHAL: So, I actually bore witness to that.

OLEG CHERNYAVSKY: On top of the car, it was a burning bag. If you watch the full video and hopefully not a snippet of it, there was a burning bag that an individual ran up from behind the vehicle with the officer sitting in the vehicle and threw fire onto the vehicle that was still burning as the officer sat there preventing from leaving the scene.

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SERGEANT AT ARMS: Time expired.

COUNCIL MEMBER ROSENTHAL: Please Deputy Commissioner Tucker, if you could explain to me why the outcome in New York has been so very different than in Newark?

BENJAMIN TUCKER: Well, Newark is different than New York. I don't know what took place in Newark - But I can tell you that based on what you just heard from Commissioner Chernyavsky, this is, this is, it's not as if, our philosophy is to allow people to peacefully protest. To march and voice their views and opinions. That's been always been the philosophy of the department at least since I've been back and, in the past, perhaps.

So, that's our philosophy and as far as the equipment that they wear, I'll just reiterate, that's important for them. I mean, you can't send police officers out there under conditions that we know are violent and will be violent, notwithstanding with these protestors and expect them to be there with no equipment.

COUNCIL MEMBER ROSENTHAL: Why the disconnect with a White shirt pushing a protestor? How is that possible? Is he trained?

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BENJAMIN TUCKER: I'm not sure White shirt you are talking about.

COUNCIL MEMBER ROSENTHAL: How could any of the officers not do what you are explaining? Is it lack training? Where is the accountability? I mean, that's great if that officer is disciplined. How about the officers commanding officer? What instructions were given to that officer, so that officer felt it was okay to shove a protestor?

BENJAMIN TUCKER: You assume that there were instruction, maybe he acted on his own and you know, the individual officers are expected to de-escalate, to do their job and to allow protestors to walk the routes and be in our streets and protest peacefully. And so, that's the message we give.

COUNCIL MEMBER ROSENTHAL: Sir, I am hearing your answer but I just want to say fundamentally, I believe that the action of the police officers in so many cases was criminal and there should be real accountability for their actions. Something is wrong where we land in a place where officers can shove somebody with impunity.

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2 BENJAMIN TUCKER: Like I said to you earlier,
3 maybe you missed my comments but we have taken action
4 against the officers that we know.

5 COUNCIL MEMBER ROSENTHAL: And his commanding
6 officer, how about that?

7 BENJAMIN TUCKER: Yes, yes.

8 COUNCIL MEMBER ROSENTHAL: What's happened to his
9 commanding officer that he couldn't keep that
10 individual under control?

11 BENJAMIN TUCKER: Well, that's not his commanding
12 officer. Listen, trust me when I tell you that we
13 have — in these cases that you saw on video, that the
14 officers were engaged in, whether it was the push,
15 whether it was the door, we have investigated them,
16 those cases and we are taking action against those
17 officers and we are in the process of coming up with
18 whatever the penalties will be but the process has
19 certainly moved along and so, that's the answer to
20 your question.

21 COUNCIL MEMBER ROSENTHAL: Right, so, just so you
22 are aware, I'm not satisfied with that answer. As an
23 elected official, I feel that it's not a reflection
24 of a police department that is interested in serious
25 reform and change and it calls into question what

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1 we're doing. Why this police force is constructed
2 the way it is. Why we think they could bring about
3 safety in communities. I just think it's toned up of
4 us to think that any of this is okay and its toned up
5 of us not to say we have to shift the paradigm of
6 what policing looks like in New York City. And if
7 we're not, I think leadership is standing up and
8 saying, there's a real interest in doing that and
9 that we are ready to commit to changing what it is
10 the NYPD, what we're hiring as taxpayers the NYPD to
11 do fundamentally.

12
13 COMMITTEE COUNSEL: Thank you Council Member.

14 COUNCIL MEMBER ROSENTHAL: Thank you.

15 COMMITTEE COUNSEL: We're going to have to move
16 on. Next up will be Council Member Lander followed
17 by Council Member Vallone and Council Member Levin.

18 SERGEANT AT ARMS: Time starts now.

19 COUNCIL MEMBER LANDER: Thank you very much to
20 the Chair for your leadership here and to my
21 colleges.

22 Commissioner, I appreciate you being here, even
23 if I am very disappointed in the testimony, which
24 really fails to rise to the urgency of this moment.

25 I share the point of view that it's maddening to hear

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1 the NYPD's account of the protest policing. Look, I
2 have looked at the videos of protestor violence, of
3 the Molotov cocktails and the bricks and they are
4 important and their needs to be accountability. But
5 I've been out there night after night after night and
6 I will tell you, I have seen hours and hours
7 thousands of protesting. I have not seen one
8 incident of protestor violence and I have seen many
9 incidents of police violence and aggressive policing
10 against protestors where I have been part of the
11 group.

12
13 Folks were kettled on the Manhattan bridge and
14 not allowed back on the Brooklyn side for you know,
15 well over an hour. In Cadman Plaza, the next night,
16 the videos all over the place. People were met with
17 violent and aggressive policing and then the night
18 after that, last Thursday night, I was in a group of
19 protestors who got kettled on Washington Avenue and
20 officers rushed into the crowd for no provocation
21 and threw people on the ground and to – you know, to
22 meet a protest of outrage at police violence with
23 more police violence and then not to tell the truth
24 about it, you know, I guess what I would say is it
25 just demonstrates to me that unfortunately this forum

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2 is not going to be able to be a vehicle for the kind
3 of transformative change that's needed and that's
4 really a shame. I mean, we've tried with a lot of
5 different reforms here to get at the change we need
6 and I just have concluded we are not able to do it
7 here.

8 So, the Council as the Speaker said, is going to
9 need to take bolder leadership far beyond these bills
10 through a budget that moves significant resources
11 away from the police department, other areas of our
12 city. But I don't think we'll be able to achieve
13 much through a back and forth on that, so I just want
14 to ask three pretty specific questions and get out of
15 the way, so we can hear from the folks who are here
16 to testify.

17 First, as Council Member Powers mentioned, he and
18 I visited 1PP and we had a lot of follow up questions
19 about what has happened to people who are arrested
20 under what I recognize you use the event code Civil
21 Disorder 2020 for, even though it mostly has been
22 arresting peacefully nonviolent protestors.

23 We sent you a letter yesterday with a request for
24 a lot of detailed information about those arrests and
25

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2 I just want to make sure you are going to respond to
3 that letter and when we can expect to see it.

4 BENJAMIN TUCKER: Well, you've sent the letter.
5 I haven't seen it; did you send it to the Police
6 Commissioner?

7 COUNCIL MEMBER LANDER: The Public Advocate,
8 Council Member Powers and I sent a letter yesterday.
9 We'll follow up to make sure you get it as well as
10 the Commissioner. It asks for a lot of information
11 and yes, we'll make sure you have it. We will make
12 sure the Chair has it. We are eager for rapid follow
13 up.

14 One of those questions; we asked a lot of
15 questions in there. One of them specifically is just
16 about food. I heard a lot of stories from people
17 that were locked up for more than 24 hours and didn't
18 get fed and when they got fed, you know basically
19 said what they got was a little bread.

20 So, what's the policy for what meals people get
21 while they are being detained.

22 BENJAMIN TUCKER: Well, they do get food. They
23 get water, they get PPE. So, that's what happens.

24 COUNCIL MEMBER LANDER: And food is bread. They
25 get a little bread and some water for 24 hours?

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2 BENJAMIN TUCKER: Well, I don't know about bread,
3 sandwiches they get. So, if in answering your
4 questions and we take a look at and see or whether
5 that was the case, we will look into it. But
6 typically, the process, the protocol that I explained
7 before and just yet again right now, there are
8 processes, procedures for making sure that people who
9 we know —

10 COUNCIL MEMBER LANDER: I know there is processes
11 and procedures. Look, I've been arrested in civil
12 disobedience before and I have never been denied food
13 or water or held for more than 24 hours but I've
14 heard from a lot of people who have.

15 So, we'll leave this here for now because we're
16 going to hear from a lot of them later in the hearing
17 but we do want the responses to that letter and we'll
18 make sure you get it. And for my last question, as
19 part of the budget work that we are doing, we are
20 really trying to understand the NYPD's budget and one
21 thing that's in this year's budget is the creation or
22 expansion of a youth initiative and we need to
23 understand in more detail what the personnel and OTPS
24 costs of that are. We are devastating our summer
25

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2 youth programs, 45 percent cut to DYCD. So, we
3 cannot be spending more money on NYPD youth programs.

4 But we don't have good information on it right
5 now and I'm just wondering if you could give me the
6 precise numbers on that new youth program that's in
7 the budget this year. How much money is it for?

8 What's personnel? What's OTPS? To be honest, so
9 that we can take that money and put it in a place
10 that actually works with young people, whether DYCD
11 or the Department of Education to do the kind of -

12 SERGEANT AT ARMS: Time expired.

13 OLEG CHERNYAVSKY: We'll get you that
14 information.

15 COUNCIL MEMBER LANDER: Okay, when?

16 OLEG CHERNYAVSKY: We will follow up on whatever
17 the asks were during the hearing.

18 COUNCIL MEMBER LANDER: Okay, that's a question
19 we've been asking since the budget hearing. So, I
20 guess Mr. Chair, if you can just you know, as part of
21 your follow up provide a good firm timeline. That is
22 information that we really need in the work that we
23 have to do ahead of us.

24 So, thank you Mr. Chair. I would like to sign on
25 to all of the bills in today's hearing. They are not

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sufficient for the change we need but they are all at least steps forward and I appreciate your convening the hearing.

Thank you.

COMMITTEE COUNSEL: Thank you Council Member Lander. Next up will be Council Member Vallone followed by Council Member Levin and Council Member Menchaca.

SERGEANT AT ARMS: Starting time.

COUNCIL MEMBER VALLONE: Okay, big thank you to our Speaker Corey Johnson and to Chair Donovan Richards. In a time when we are also emotional and angry and confused and there is fear. To see the City Council put these for forward to take the first steps forward, I'm really proud of that.

To the Council Members who shared their stories today Adams, Rivera, Ampry-Samuel, Miller and all the brothers and sisters on the Council, you know, my dad taught me long ago it's time to listen and take that and do some constructive good with that. And these bills today are a way to show the city that through this time of anguish, we have heard and we're going to do something about it. And to Commissioner Tucker, you know, it's a tough day to hear all that.

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2 The times like other Council Members have said to
3 say, we hear you and we are making those changes and
4 you know, lost in all that anger is today, I looked
5 at your testimony and it looks like to me is the NYPD
6 is supporting these bills. So, this looks like a
7 tremendous day in the history of New York City with
8 the exception of some changes and minor amendments
9 which are in the words but can be flushed out
10 hopefully. But that's such a huge step forward to
11 show why we are not Minneapolis and why we are not
12 Newark City or anywhere else that has to deal with
13 8.2 million people and has over 35,000 officers in
14 crime every day.

15 We're hearing the stories and we're making
16 changes and I'd say one of the changes that struck my
17 heart and some of the great protestors in my
18 district, one of the young gentlemen Deondre took me
19 aside and he was there every day and I said Deondre,
20 tell me what's on your mind. What do you want to
21 see? And he said, Mr. Vallone, and they are mostly
22 students and the youth. He said, I want to see some
23 real changes for my friends and my family. Can you
24 do it? And it touched us, touched us all and to see
25 these bills today, I wanted to tell Deondre and the

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2 protestors that are civilly doing it the correct way
3 and fighting for change and everyone in the city who
4 is struggling. We are taking these steps and Speaker
5 Johnson, thank you for being a voice. Donovan
6 Richards and all of the Council Members, we put those
7 here today that we can be proud of. My cautions is
8 just to listen to some of the exceptions that may or
9 may not protect and the only one that I have for
10 Commissioner Tucker is, you know, Council Member
11 Lancman mentioned that there is a state law
12 protecting the right of an officer if they are in a
13 life threatening situation and that's the only thing
14 I ask. Is for everyone to put on the thought of, if
15 you were faced with life and death and you had to get
16 back home, not in an arrest simple scenario but if
17 someone took a knife or a gun and was going to kill
18 you, should you open up a handbook as to what you can
19 and can't do or should you defend your life, so that
20 you can go back to your family?

21 And that is not in this bill and I would like to
22 see that one exception. So, if someone is faced with
23 a life threatening situation, that they can defend
24 themselves and in only that situation. Other than
25 that, chokehold will be banned in New York City and

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we will lead the way and I am proud to stand with that.

Commissioner, is that one of the exceptions that was being asked for or are we just relying on a state law for that?

OLEG CHERNYAVSKY: The state law has the exception for reasonable force. That exists on the books. The exception that we were asking for with respect to the local law is the mental state of intent. I mean, I think we all agree that if we want to ban the chokehold in the way that the chokehold is defined in this law, we want to make sure that officer intended to do it. And the consequence of events, of a fluid arrest, of a resisting, a consequence of the scenario that led the officer to touch part of the body on the subject they were arresting that comports and becomes a chokehold based on this definition.

So, what we want to make sure is that if you know if you are going to criminalize it. If you are going to make it a misdemeanor in the code, you know, the individual needs to intend to violate it. It shouldn't be just per se a violation. If you touch my chest you know, in a manner that could have

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restricted my breathing or restricts my breathing,
then that all of a sudden becomes a misdemeanor.

Because officers are put in these situations and
I understand that a lot of times when we speak about
the NYPD, we're thinking of this big entity and the
Commissioner said it in his testimony.

COUNCIL MEMBER VALLONE: Well, yeah, but in all
due respect I mean, the chokehold will be banned in
New York City and these laws today are clear and the
Council Members are signed on and what's happening is
it will be banned.

SERGEANT AT ARMS: Time expired.

COUNCIL MEMBER VALLONE: I'm saying as this law
is passed, this is the time for leadership to say, is
there any exception for the life and death of an
officer and for those that are faced. And so, we
need to have that conversation and respectfully,
state laws are being changed as we speak right now to
push the ban. So, if there is an exception, let's be
in compliance with the law. Let's not be in
disagreement for a necessary litigation.

But God Bless everyone. We will get through this
and Deondre and everyone else, we are acting.

Thank you, Mr. Speaker, thank you Mr. Chair.

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COMMITTEE COUNSEL: Thank you Council Member.
Next up will be Council Member Levin followed by
Council Member Menchaca and Council Member Levine.

SERGEANT AT ARMS: Starting time.

COUNCIL MEMBER LEVIN: Thank you Chair and thank
you Commissioner for you being here. I'm going to
join my colleagues in expressing my disappointment
with Commissioner Shea not seeing it fit to be
testifying today, considering that this is really the
first public facing opportunity that he would have as
the leader of the Police Department to answer our
questions and to hear from the public. And so, I'm
pretty disappointed with that.

I wanted to ask about, what is the protocol for
discipline, some kind of racist language, derogatory
language, racial slurs, what is the punishment for
that?

BENJAMIN TUCKER: Well, typically the complaint
would come to us but very often those complaints go
through CCRB. CCRB would look at the complaints,
interview both parties and make a recommendation
which they would send to us. You know, they
recommend a penalty at that time. And then it would
come to us and we will agree or disagree or modify it

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2 or either enhance it or maybe disagree and go back
3 and talk to CCRB about it for some more purposes of
4 clarity.

5 COUNCIL MEMBER LEVIN: If a police officer uses
6 the N-word in a precinct and it is overheard by other
7 officers, what is the protocol for that? In terms of
8 where is it in the patrol guide? And then my follow
9 up question is, has anybody, does anybody get
10 punished for that? Does anybody face disciplinary
11 action for not, not necessarily out in the public but
12 behind closed doors or within the precinct house.

13 BENJAMIN TUCKER: Sure, when you say get
14 punished, for their conduct. For the misconduct of
15 saying what they said?

16 COUNCIL MEMBER LEVIN: Yes. Using the language
17 and then where is that in the Patrol Guide?

18 MATTHEW PONTILLO: So, it's in a couple of
19 places. We prohibit offensive language. We also
20 have an equal employment policy that prohibits that
21 type of misconduct among the employees.

22 In terms discourtesies or offensive language said
23 to or in front of the public, CCRB—

24 COUNCIL MEMBER LEVIN: I'm more asking about
25 within — what I'm trying to get at is, if there is

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1 racism within the Department, among cops, there are
2 35,000 cops in New York City and frankly, we all know
3 that some of them use racist language. We know that
4 and I'm wondering, do we see anybody disciplined for
5 using racist language in uniform?
6

7 BENJAMIN TUCKER: Yes.

8 MATTHEW PONTILLO: Absolutely.

9 COUNCIL MEMBER LEVIN: And if I were to ask you,
10 what would you say to a cop who uses racist language,
11 who carries racist thoughts with them in their mind,
12 in their hearts, who regularly uses racist language
13 or refers to Black Americans with derogatory and
14 racial slurs. What would you say to that officer?

15 BENJAMIN TUCKER: They will be disciplined. They
16 will face discipline.

17 COUNCIL MEMEBR LEVIN: Is there any place for an
18 officer that uses that kind of language in the New
19 York City Police Department?

20 BENJAMIN TUCKER: They will be disciplined and
21 yeah, no, listen, you said it yourself, NYPD is of
22 the 36,000 or so of us are a microcosm of the rest of
23 society. So, yeah, we don't tolerate that language
24 as the Chief just mentioned. Everyone knows it, if
25 you engage in it, we will discipline you.

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COUNCIL MEMBER LEVIN: Okay, I just want to make sure — what I want to hear from the Police Department is, if you carry any racist ideas in your mind, if you use racist language, anywhere in uniform or out of uniform, there is no place for you here.

SERGEANT AT ARMS: Time expired.

COUNCIL MEMBER LEVIN: The New York City Police Department and we are going to change the culture of the New York City Police Department and you can either get with the program or you can leave. And I hope that that's the message that goes out to our police department, to cops. You can either get with the program, but we do not countenance racism among our ranks and it won't be tolerated at all, ever.

If you utter a racist phrase or word or derogatory slur in uniform, in a precinct, in the locker room, in the bathroom. You will face consequences. That's what I hope the message is.

I thank you. Thank you, Commissioner.

COMMITTEE COUNSEL: Thank you Council Member. Next up will be Council Member Menchaca, followed by Council Member Levine and Council Member Van Bramer.

SERGEANT AT ARMS: Starting time.

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2 COUNCIL MEMBER MENCHACA: Thank you to the Chair
3 and my colleagues, especially the BALAC, the Black
4 and Latino and Asian Caucus members for here raising
5 their voice. I love hearing from our Speaker that he
6 is going to allow for us to lead. That's what we're
7 going to do and that's what we're going to continue
8 to do be it budget or legislation. Thank you for
9 that.

10 And to all the protestors, agitators out there on
11 the streets and flooding our email boxes, keep doing
12 it, it's working and don't stop going out into the
13 streets until we deliver the NYC budget justice that
14 you are demanding until we deliver all the
15 legislative reforms from the city and the from the
16 state stay out there until we are done. Until we
17 really make sure that the City Council, the Mayor,
18 and this Police Department understand that Black
19 lives matter, that Black trans lives matter. No
20 justice, no peace. Let's make that happen.

21 And to the NYPD, you know, New Yorkers right now
22 on the streets are asking very simple questions about
23 accountability and accountability also includes
24 addressing the recent and numerous reports on sites
25 of ICE. I know Council Member Adams asked this

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question, but I'm going to go a little bit deeper. Specifically, about reports of immigration enforcement assisting NYPD.

So, where is the NYPD commitment to local laws barring cooperation with immigration enforcement? For example, last week, HSI agents assisted the NYPD in an arrest of a US citizen. In another incident over the weekend, precinct commander Malcom from 88 is filmed and then Council Member Cumbo and I spoke to him at midnight admitting that ICE agents were officially there to assist the NYPD at the 88th precinct with force protection. Those are his words; I'd like to know more about what that means and at other locations.

In both cases, the assistance was said to be unrelated to immigration enforcement, yet the Mayor had no idea about this when he was asked by the press.

So, how does NYPD differentiate between providing ICE assistance and immigration enforcement as prohibited in law, city law or providing assistance for other non-immigrant enforcement purposes?

OLEG CHERNYAVSKY: So, I mean I think I start by saying that we're completely committed to the local

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1 laws. We work on those local laws with you
2 prohibiting from resources to be used for immigration
3 enforcement.
4

5 COUNCIL MEMBER MENCHACA: And you've already said
6 that. I'm really looking for this differentiation.

7 OLEG CHERNYAVSKY: It's the same question. So, I
8 want to reaffirm that. But there was a recognition
9 in the laws as well that the NYPD and you said in
10 what ways do, we work with the federal government,
11 with federal agents.

12 So, we are as the NYPD on a number of task forces
13 with federal agents.

14 COUNCIL MEMBER MENCHACA: Let me pause you there.
15 There is a very specific agreement that I'm asking
16 for with federal government, like within the last few
17 weeks asking for force protection for the precincts.
18 Can you tell us a little bit about that agreement and
19 how long that's going to be in place? We are
20 essentially asking federal enforcement to come in to
21 support the protection of theses precincts.

22 Can you tell us a little bit about that? The
23 Mayor had no idea about it, great opportunity for you
24 to talk about it now.
25

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2 BENJAMIN TUCKER: Well, officers came in, we had
3 volunteers from other agencies who are part of this
4 as the Commissioner was just saying, who are part of
5 our task forces.

6 And so, they offered to help us and assist us
7 with precinct security because the station houses
8 were being attacked. And so, they did that and
9 allowed us to free up our offices. They were not in
10 the streets, they were not – the agents, they were
11 not in the street, they were not on the front line
12 taking any enforcement action. They only were there
13 for security for the station.

14 COUNCIL MEMBER MENCHACA: And so, is this an
15 agreement on paper? Can we see that agreement? What
16 did that look like? How long is this in place? How
17 long are we expecting these federal agents to be in
18 our space in the city assisting you and the
19 precincts?

20 BENJAMIN TUCKER: I'm not even sure they are
21 still here.

22 OLEG CHERNYAVSKY: Yeah, it's not on paper. They
23 are not –

24 COUNCIL MEMBER MENCHACA: You're not monitoring
25 which agents are at what precincts and when they are

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going to go roll call? So, it's just like this
loosey goosey request for help?

OLEG CHERNYAVSKY: I need to answer the question.
I mean, you raised the point, so I would like to be
able to answer.

SERGEANT AT ARMS: Time expired.

OLEG CHERNYAVSKY: So, what every New Yorker saw
during the height of the riots, were precinct houses
being attacked, officers beaten with batons, NYPD
vehicles being burned and members of the task forces
that we were a part of, task forces. anti-terrorism
taskforces, human trafficking task forces, members of
these taskforces assisted in protecting the physical
infrastructure of certain buildings that were under
attack. While our officers were out in the street
trying to suppress a riot.

This is nothing loosey goosey or anything else.
I think every New Yorker watching this saw what was
happening on television and live on those days.
there were three or four days that were some pretty
horrific scenes that we were watching unfolding in
our city.

COUNCIL MEMBER MENCHACA: Okay, last question is
about Habeas Corpus and can you address the fact that

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2 that was removed and how that impacted the whole
3 system?

4 OLEG CHERNYAVSKY: I'm not sure I understand the
5 question.

6 BENJAMIN TUCKER: Yeah, what do you mean?

7 COUNCIL MEMBER MENCHACA: Well, so much of what
8 we have been talking about is the removal of the
9 ability for lawyers to do their work to remove
10 protestors that were put into custody and there are
11 many reports about Habeas Corpus being lifted in that
12 time that the surge happened with arrests. If this
13 is news to you, then we have a whole other thing to
14 talk about.

15 OLEG CHERNYAVSKY: Well, I think the phraseology
16 may be news to me but you know, I think -

17 COUNCIL MEMBER MENCHACA: Tell me what you are
18 hearing.

19 OLEG CHERNYAVSKY: I think what you are trying to
20 get at is something that was raised by some of the
21 Council Members before you. During certain nights
22 given the mass arrests that were going on, during the
23 events that every New Yorker saw on television, we
24 need to reopen additional facilities for arrest
25 processing with given the number of arrests be

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2 processed of arrests to arraignment slowed down. And
3 I think that's pretty logical given the events that
4 were going on.

5 There were motions brought to the court by the
6 defenders seeking to bring individuals that normally
7 would have been brought to court faster but because
8 of the delays, they brought these motions to the
9 court.

10 And the court, when I read the decision, agreed
11 that given the severity of the circumstances, it was
12 excusable that there were delays.

13 I mean, I think that's what you are talking about
14 but I'm not sure.

15 COUNCIL MEMBER MENCHACA: Okay, well we'll follow
16 up with more questions. I just hope that you can
17 send a signal to all the immigrant New Yorkers as
18 cooperation is clearly happening that you are going
19 to follow not just local law but really ensure that
20 the right to protect of all of our New Yorkers.

21 Thank you.

22 BENJAMIN TUCKER: We send that message loud and
23 clear time and time again and I think most New
24 Yorkers know that.

25

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COUNCIL MEMBER MENCHACA: No, they don't. Thank you.

COMMITTEE COUNSEL: Thank you Council Member. Next up will be Council Member Levine followed by Council Member Van Bramer and Council Member Rose.

SERGEANT AT ARMS: Starting time.

COUNCIL MEMBER LEVINE: Thank you so much. Thank you to Chair Richards and the entire BALAC for your important work in this hearing and for your leadership throughout this crisis, which has just been outstanding and inspiring.

I don't think I need to remind you Commissioner Tucker that we are in the midst of a pandemic still with hundreds of new cases a day. So, in that context, I have to say I find it truly alarming to see so many officers failing to wear masks in public, at large events including demonstrations. Not just frontline officers but superior officers. I've seen it with my own eyes many times and this has now been widely reported by journalists, by regular people.

Can you start by acknowledging that this is a problem. That there is significant failure to wear masks by your officers out in the streets in these crowded situations?

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2 BENJAMAIN TUCKER: It is a problem and we will
3 address it. I know we have addressed it already but
4 we will follow up.

5 COUNCIL MEMBER LEVINE: The NYPD it's a military
6 organization. You have a very rigid command
7 structure. How is it possible that so many ignoring
8 what I believe is a directive, from the Department,
9 from the city and in fact an order from the Governor
10 to wear face masks in public without consequences?
11 How is there no repercussions? How is there no
12 solution to this problem which has been on display
13 for the world to see for weeks?

14 BENJAMIN TUCKER: As I said, we'll follow up.

15 COUNCIL MEMBER LEVINE: When can we see change on
16 the streets? When will we see officers beginning to
17 adhere to this important public health measure?

18 BENJAMIN TUCKER: Begin to see change if it
19 hasn't happened already.

20 COUNCIL MEMBER LEVINE: Whether it's happened
21 already? No, it hasn't happened already, at least
22 not in the last 24 hours. I can say that.

23 And a related concern, for those protestors who
24 have been in detention, often in very crowded cells,
25 this is really the worst possible setting in the

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2 midst of a pandemic for a virus that spreads most
3 easily in indoor settings, in crowded settings.
4 Again, alarming the number of reports of people who
5 are in detention in those crowded conditions who are
6 not given PPE. Which would be the minimum, I see all
7 of you are shaking your head no.

8 OLEG CHERNYAVSKY: People [inaudible 2:12:56] and
9 we have stated this at the beginning of the hearing.
10 We've taken your colleagues on a tour of the facility
11 and one of your colleagues, I want to apologize, I
12 forget which one, acknowledged that they saw the
13 protective equipment there. Upon entry into a PD
14 facility, every arrestee was given PPE. We made soap
15 and water and hand sanitizer available. That was
16 available. To the extent that they pulled off a mask
17 that they were given or chose not to wear it, we
18 would not use force to put masks and keep masks on
19 people.

20 But everybody, everybody was handed a PPE, a
21 mask.

22 COUNCIL MEMBER LEVINE: There has just been so
23 many reports to the contrary. This is probably not
24 going to be the forum to adjudicate it but I just
25 want to stress the public health implications of this

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2 concern. Wearing a face mask, whether by an officer
3 in a crowd, whether by someone who is detained in a
4 small cell, is the baseline for preventing the spread
5 of the virus. It's the least we can do. The lack of
6 consistent application particularly in the case of
7 police officers is alarming for an organization that
8 I would think prides itself on its command and
9 control structure.

10 So, I want to stress the urgency of fixing this
11 immediately in the midst of an ongoing pandemic.

12 I'm going to pause and yield the rest of my time,
13 so that we can get to the public as soon as possible.

14 Thank you, Commissioner, and team, and thank you
15 again Mr. Chair.

16 BENJAMIN TUCKER: Thank you.

17 COMMITTEE COUNSEL: Thank you Council Member. I
18 will now turn to Council Member Van Bramer if he has
19 questions, followed by Council Member Rose.

20 SERGEANT AT ARMS: Starting time.

21 COUNCIL MEMBER VAN BRAMER: Thank you very much.
22 I will be very brief because I do see all the signs,
23 people want to speak from the public and I will just
24 say this. I supported the defunding the NYPD \$1
25 billion before this hearing began and I support it

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2 even more after this hearing and listening to the
3 horrible answers from the panel it is important that
4 in the face of all the violence that we've seen
5 against peaceful marchers and protestors that the
6 answers would be so bad. That the accountability
7 would be so small and so time to the public who have
8 been waiting and I see all of the signs, people are
9 ready to speak and share their stories and they
10 should but this testimony on the part of the NYPD and
11 the answers just proves that we have to go beyond the
12 legislation that we're passing today and really,
13 really dismantle what we have present which is a
14 system that doesn't work and where racism is present
15 everywhere. And what we've seen requires incredibly
16 dramatic action and that's what I feel like I am
17 compelled to do as a Council Member.

18 And with that, I'll just end and yield my time to
19 the public who are desperate to speak I know.

20 COMMITTEE COUNSEL: Thank you Council Member.
21 Finally, we will have questions from Council Member
22 Rose.

23 SERGEANT AT ARMS: Starting time.

24 COUNCIL MEMBER ROSE: Thank you. I want to start
25 by commending my colleagues for this package of

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1 bills. It's difficult to legislate racism but what
2 needs to really happen is a change of culture in the
3 NYPD.
4

5 The loudest and most energetic voices leading the
6 protests out there were our youth. They peacefully
7 demonstrated for justice and reform. And these very
8 youth are the ones that are at risk of being
9 victimized by NYPD, actually twice.

10 The youth budgets in New York City was zeroed out
11 for all summer activities, while NYPD, if these young
12 people don't have anything to channel their energies
13 and give them direction, they serve to be victims of
14 police actions. And NYPD budget is not transparent
15 as Council Member Lander said, there are budget lines
16 that are obfuscated and are not clear and so, I join
17 him in asking for clarification of the OTPS and
18 overtime budget lines, so that our young people can
19 have the services and the programming that they
20 deserve and demand for this summer.

21 Intro. 760-A is the early intervention system law
22 and the enactment of 760-A and the repeal of 50-A, I
23 feel go part and parcel. These two bills could have
24 alleviated the situation that we experienced with the
25

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murder of Eric Garner by Officer Pantaleo. Who had a history of violent behavior and rule book violations.

Had these two laws been in place, he would not have been on the street in a position patrolling a community of color and he would not have had the opportunity to change the events that happened that day. 760-A would have served to remediate his behavior and review his record.

So, my question is, does the Department envision any issues with collecting the data that's requested in 760-A and do you find that there are any issues with being able to comply with fulfilling the requests of getting the data for 760-A?

OLEG CHERNYAVSKY: I'll start and the Chief and Commissioner can jump in but I don't think there is going to be an issue with collecting the data. The system we've been utilizing, we built the system, obviously it's like every other system, it's a work in progress. So, we're always refining it and improving it and we support the bill just to say that out loud again. The amendment that we asked for is the legislative criteria, the specific criteria that needs to be there. Because there is going to be certain criteria that over time we determine aren't

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2 really impactful, aren't really useful and I gave the
3 example of disorderly conduct, the enforcement
4 because any cop assigned to lower Manhattan, that
5 deals with protests and deals with individuals that
6 intentionally – they organize with the police
7 officers in order to take summonses for civil
8 disobedience, for disorderly conduct.

9 There is no force used, they sit in the street.
10 We know that they are going to sit in the street and
11 then they ultimately take a summons when it's over.

12 So, if criteria like that and which is in the
13 bill is legislated, it's going to wind up putting
14 factors into the system and flagging police officers
15 that really shouldn't be flagged.

16 I think we all agree that you know, misconduct,
17 complaints from CCRB, use of force, all of things are
18 in the system now. Would continue to be in the
19 system but what we're suggesting is that the
20 legislation removes specific factors that need to –

21 COUNCIL MEMBER ROSE: Okay, thank you and could
22 you just touch upon how you feel about the inclusion
23 of unsubstantiated issues being also reported?

24 SERGEANT AT ARMS: Time expired.

25 OLEG CHERNYAVSKY: In what way?

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COUNCIL MEMBER ROSE: As part of the I guess, the transparency in terms of officers records and in terms of like 50-A.

OLEG CHERNYAVSKY: If we're talking about the early intervention bill, our current early intervention system has the unsubstantiated in there. That's a factor that we currently look at.

COUNCIL MEMBER ROSE: But 50-A.

OLEG CHERNYAVSKY: Well, I think the bill that's being – the bill that's going to be voted on, if it hasn't been voted on already during the course of this hearing, repeals 50-A in its entirety and doesn't make a distinction between substantiated or not unless there is going to be a change in the bill.

But the version I saw last night that was up for a vote, it repealed 50-A wholesale and then created certain protections in the Public Officers Law but those protections did not recognize unsubstantiated discipline.

COMMITTEE COUNSEL: Thank you Council Member. I see that Council Member Treyger has raised his hand, so I will turn to Council Member Treyger for questions.

SERGEANT AT ARMS: Starting time.

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COUNCIL MEMBER TREYGER: Thank you.

3

Commissioner, does the Department have any evidence

4

today, as of this moment, of an organized looting

5

plot on Avenue X and Gravesend in my district?

6

OLEG CHERNYAVSKY: I think maybe I can jump in on

7

this. We're taking a look, there are individuals

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that were arrested. There were individuals that we

9

are still looking for and then [INAUDIBLE 2;19:44]

10

that we're certainly evaluating to see if we can

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connect and see it was some sort of an organization

12

or an enterprise. So, I really would prefer not to

13

talk about this now. These are ongoing

14

investigations.

15

COUNCIL MEMBER TREYGER: So, what I'll share is

16

that the tweet that Commissioner Shea issued referred

17

to my district. I went down there to the site

18

myself. I do acknowledge the information and

19

cooperation that we received from the 61st Police

20

precinct. But with my own two eyes, I also observed

21

a construction site on Avenue X and the other corner

22

east 4th street. Now, I cannot conclude or confirm

23

that those bends were a part of a construction site,

24

but do you acknowledge that there have been unsecured

25

construction debris left on a city sidewalk in the

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1 history of New York City? Has that happened before,
2 even during the pandemic?

3
4 OLEG CHERNYAVSKY: I mean, we, I think we've seen
5 videos. My focus historically hasn't really been on
6 that until these events unfolded but I can confirm
7 that the videos that I have seen both on the news and
8 social media certainly show unsecured construction in
9 the street or left on the corners.

10 COUNCIL MEMBER TREYGER: So, what I will share
11 with you is that I was in my district that evening
12 and there was no organized looting on Avenue X that
13 night whatsoever and I spoke to the 61st Precinct the
14 following morning and I appreciate their cooperation
15 and information and there were no confirmed reports,
16 no reports whatsoever of organized looting on Avenue
17 X or anywhere near in Gravesend but let me ask you
18 this question, has the department received reports of
19 vigilante groups forming in New York City,
20 particularly also in the areas of southern Brooklyn?

21 BENJAMIN TUCKER: Not that I'm aware of.

22 COUNCIL MEMBER TREYGER: So, Commissioner, there
23 have been vigilante groups forming.

24 OLEG CHERNYAVSKY: I mean, there are videos that
25 I have seen on TV and I can verify and I can connect

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2 with you after. I will put people into it and I'll
3 certainly give you a call after the hearing and tell
4 you what I found.

5 COUNCIL MEMBER TREYGER: I will appreciate any
6 additional information that you could provide because
7 I will share to the Chair and to the Commissioner and
8 the public that my office has received more evidence
9 of vigilante groups forming than of any organized
10 looting in my district or parts of southern Brooklyn.

11 So, I just want to just be clear that facts are
12 really, really important and we need to be very
13 mindful what the words and languages that we're
14 sharing out there and I am just interested in getting
15 down to the facts.

16 So, I appreciate everyone's time and I'd like to
17 hear the public testimony as well.

18 Thank you so much.

19 COMMITTEE COUNSEL: Thank you Council Member. I
20 will now turn it back to Chair Richards for any
21 additional questions. Before I do, the Committee
22 would like to acknowledge the many members of the
23 public who are waiting to testify. We sincerely
24 thank you for your patience.
25

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2 Everyone will be given an opportunity to testify,
3 no matter the time. any Council Member who have
4 additional questions, please raise your hand using
5 the hand raise function and you will be given an
6 additional two minutes.

7 Council Member Richards?

8 CHAIRPERSON RICHARDS: Okay, thank you. Thank
9 you Sergeant at Arms and I want to yield any other
10 questions I have to the public and I want to thank
11 you all specifically for your patience. It was very
12 important for us to get those questions in,
13 especially as people who are here to hold them
14 accountable.

15 Let me just say the names because we haven't said
16 the names of those who have passed away and I just
17 want to go through names of those who were lost from
18 police violence. I want to start with my neighbor,
19 Sean Bell, I'll say there name, Breonna Taylor,
20 Trayvon Martin, Eric Garner, Alton Sterling, Ahmaud
21 Arbery, Akai Gurley, Walter Scott, Laquan McDonald,
22 Freddie Gray, Philando Castile, Tamir Rice, Anthony
23 Baez, Ramarley Graham, Kimani Gray, Michael Brown,
24 Sandra Bland, and of course our brother George
25 Floyd whose funeral is happening as we speak.

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It is important for us to recognize them and to say that when Black lives matter, then all lives will matter.

Thank you, we're going to get to the public now.

COMMITTEE COUNSEL: Thank you. We will now turn to public testimony. I'd like to remind everyone that unlike our typical Council hearings, we will be calling on individuals one by one to testify. Each panelist will be given two minutes to speak. Please begin once the Sergeant has started the timer.

Council Members who have questions for a particular panelist, should use the raise hand function in Zoom and I will call on you after the panelist has completed their testimony.

For panelists, once your name is called, a member of our staff will unmute you and the Sergeant at Arms will give you the go ahead to begin upon setting the timer. Please wait for the Sergeant to announce that you may begin before delivering your testimony.

Members of the public, shortly you will receive an email including the list of panels in the attentive order in which they will be called. You can use this to refer to, to give you an indication as to when you may be called to testify. The list is

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subject to change but we want to give you an idea of where in the list that you are.

First, I would like to welcome Gale Brewer to testify. After Ms. Brewer, I will be calling on David Collier followed by Shirley Aldebol followed by Samantha Tucker followed by Alexandra Zoni Rockoff.

Ms. Brewer, when the clock begins, you may begin.

SERGEANT AT ARMS: Starting time.

COMMITTEE COUNSEL: Do we have Gale Brewer? We will move onto the next witness, next up is David Collier followed by Shirley Aldebol followed by Samantha Tucker.

SERGEANT AT ARMS: Starting time.

COMMITTEE COUNSEL: Mr. Collier? I believe he is here. We will move on to Shirley Aldebol, we can come back to Mr. Collier.

SERGEANT AT ARMS: Starting time.

SHIRLEY ALDEBOL: Good afternoon Chair Richards and Members of the Committee. My name is Shirley Aldebol and I am a Vice President of SEIU Local 32BJ.

32BJ is the largest building service union in the country representing workers from Boston to Florida. 85,000 of our members live here in the New York Metropolitan area.

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Our members are majority Black and Brown and most are essential workers. They are risking their health and their families health working on the front lines of the COVID-19 pandemic, while facing harsh realities of systemic racism.

When our members are afraid to go home after curfew because they feel likely to be harassed or worse by police, unjust and inhumane system including and especially our policing.

SEIU 32BJ strongly supports the package of legislation and resolutions presented here. In 1966, James Baldwin wrote an article titled, A Report from Occupied Territory set in Harlem detailing police treatment of African Americans on how as a result, police reviewed, not as people who protect serve but as an occupying force. Unfortunately, not much has changed since then. In 1999, Amadou Diallo, an unarmed was shot a total of 41 times. The police responsible for his death were acquitted, while the city paid \$3 million in settlements.

In 2014, an unarmed Eric Garner died in a police chokehold. This time there were no indictments but the city again, paid a \$5.9 million settlement.

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On May 25, 2020, George Floyd died under the knee of a cop in Minneapolis. Triggering the nationwide movement that we're seeing today. For police accountability and demanding but the truth of the statement Black lives matter, be recognized.

The bills presented before the committee today are a step in the right direction. They call for accountability, they call for transparency. It would make the use of chokeholds and other similar restraints a misdemeanor and facilitate accountability and good behavior by the police by making them identifiable, providing them additional training. Also, support the resolutions which call for the prohibition of the use of strangulation by the police at a state and national level.

SERGEANT AT ARMS: Time expired.

SHIRLEY ALDEBOL: However, we also recognize these bills should be just the beginning of continuing to dismantle systemic racism. Not only in the justice system but also throughout our society.

Thank you.

COMMITTEE COUNSEL: Thank you for your testimony. Next up will be Alexandra Zoni Rockoff. You may begin.

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SERGEANT AT ARMS: Starting time.

ALEXANDRA ZONI ROCKOFF: Hi there, my name is Zoni Rockoff and I am a Staff Attorney in the Civil Action Practice at the Bronx Defenders.

Over the past few weeks, we've seen countless images of police across the country using horrific violence against protestors. In the Bronx specifically just this last Thursday, we saw peaceful protestors corralled and beaten resulting in numerous unnecessary arrests.

As Public Defenders in the South Bronx, none of this has come as a surprise. It's the treatment we regularly see our clients overwhelmingly and disproportionately Black and Brown people subjected to.

We applaud the Council for recognizing the urgency of police accountability, requiring NYPD officers not to cover their badges and shield numbers, making clear that New Yorkers have the right to record interactions with NYPD and putting in place an early intervention system to track and monitor officers with a history of misconduct are necessary steps and all long overdue.

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1
2 We see firsthand how NYPD subverts meaning
3 accountability for police misconduct. When an
4 officer covers his badge during an encounter, they
5 prevent victims of police violence from gathering
6 critical information needed to see redress through a
7 CCRB, IAB complaint or a civil lawsuit. Filing a
8 civil lawsuit for police brutality requires a
9 plaintiff to file what's called a notice of claim
10 within 90 days of that misconduct.

11 And in those notices of claim, plaintiffs have to
12 include information regarding the identity of the
13 officers reasonably identifying them such as a shield
14 or badge number. Through our monthly community
15 clinic addressing police and other government
16 misconduct, we frequently lack this identifying
17 information that clients need to properly file and
18 pursue their right to sue officers who brutalize them
19 and violated their rights.

20 The same is true of the public's right to record
21 encounters with the NYPD, a right still guaranteed
22 under the first amendment.

23 Time and time again we see clients lose crucial
24 evidence of police misconduct because NYPD either
25 prevents recordings or when phones and cameras are

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conveniently destroyed encounters or because phones and cameras disappear into NYPD's property vouchering system.

I've seen cases in which teenagers have been stopped and inappropriately publicly searched, only to have the phone with the recording of that evidence irretrievably damaged by police during their arrest and the evidence that could have exposed NYPD's misconduct destroyed.

The Bronx Defender supports the right to record and visible shield number bills. We also support the creation of an early intervention system and also urge the Council to pass disciplinary matrix legislation with minimum and progressive penalties for misconduct, including termination.

On the other hand, we're skeptical of putting new crimes on the books. We cannot arrest and prosecute or way out of the culture of violence and racism and law enforcement.

SERGEANT AT ARMS: Time expired.

ALEXANDRA RONI ROCKOFF: Adding new crimes to the books, crimes that will likely never actually be used to hold police accountable, only reinforces the

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reflexively punitive system that brought us to this point.

While we applaud the Council for these initiatives, but there are even necessary highlights a bigger problem. It's already a violation of NYPD's own rules and regulations for an officer to cover his badge. It's already a violation for them to prevent someone from recording an encounter that we are even discussing these bills that we know NYPD officers regularly do not follow procedures put in place to protect citizens that they supposedly serve is an acknowledgment of a deeper problem and demonstrates the need for much more sweeping changes to the NYPD.

Thank you.

COMMITTEE COUNSEL: Thank you for your testimony. And next up will be Vincent Riggins followed by Jamil Hamilton, followed by Dr. Victoria Philips.

Vincent Riggins, you may begin.

SERGEANT AT ARMS: Starting time.

COMMITTEE COUNSEL: Next up will be Jamil Hamilton. Jamil Hamilton, you may begin.

SERGEANT AT ARMS: Starting time.

JAMIL HAMILTON: Hi everyone, my name is Jamil Hamilton and I am the Manager of Public Policy and

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Advocacy for the National Alliance on Mental Illness of New York City, better known as NAMI New York City.

For over 35 years NAMI New York City has been committed to helping families and individuals effected by a mental illness, build better lives through education support and advocacy. Through our free classes, support groups, public education programs and helpline, we were able to impact the lives of over 19,000 people last year.

Unfortunately, far too many New Yorkers, especially Black and Brown New Yorker have experienced traumatic interactions with the NYPD. If our leaders are as serious about supporting mental health in New York City, they must seriously consider the mental trauma caused by decades of racist policing, excessive force, and systemic oppression.

The last few weeks have seen our city in turmoil and have forced us to think about the future of the New York Police Department and the appropriate role of law enforcement.

NAMI New York City stands with protestors and community members and we believe that our city must change the way that we view public safety and police. A crucial step towards transforming policing is

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1 holding police officers accountable. These bills are
2 a much needed first step towards that goal. By
3 improving transparency and eliminating excessive
4 force, these reform can start building accountability
5 and trust between police officers and the communities
6 they serve.
7

8 NAMI New York City believes it is time we rethink
9 public safety in this city. We believe that mental
10 health, education, healthcare, and other social
11 services are key components of public safety and must
12 be well funded. For far too long we have burdened
13 police with solving nearly every problem in our
14 society. As a result, we have made a difficult job
15 even harder by asking police officers to become
16 involved in issues that they don't have the training
17 or capability to handle.

18 NAMI New York City understands that this hearing
19 is specifically about the reform packages presented
20 and while we support and appreciate these reforms, we
21 need City Council and our leaders to go further. We
22 must strategically divest from the NYPD and invest in
23 much needed community services with an understanding
24 that by investing in areas such as mental health and
25

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housing, we are investing in a healthier and safer New York City.

By reducing the police budget, we would be able to finally fund critically needed services like community and mental healthcare, more housing for homeless New Yorkers and increase resources for students.

For example, CCIT NYC, a mental health coalition that NAMI New York City is a part of, has created a pilot program that would transform the way New York City responds to mental health emergencies by replacing police officers with mental health peers and healthcare professionals rather than police officers.

This program has the potential –

SERGEANT AT ARMS: Time expired.

JAMIL HAMILTON: To save lives and help connect people in need to mental health resources and can be funded through funds redirected from NYPD.

In conclusion, NAMI New York City appreciates the City Council's work to increase transparency and accountability and the NYPD and we look forward to these reforms being passed. We also look forward to working with Council Members to create and pass a

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budget that protects vulnerable New Yorkers and
invest in communities.

Thank you very much.

COMMITTEE COUNSEL: Thank you. It looks like we
will go back to Vincent Riggins, followed by Dr.
Victoria Phillips followed by Albert Fox Cahn.

SERGEANT AT ARMS: Starting time.

COMMITTEE COUNSEL: Mr. Riggins, are you there?
Okay, we will try one more time. We will go to Dr.
Victoria Phillips.

SERGEANT AT ARMS: Starting time.

DR. VICTORIA PHILLIPS: Excuse the outside noise,
but they are doing construction on my roof.

Really quick, I just wanted to point out how
ironic it is that this hearing that we're having
against NYPD and their data, dealing with the Black
and Brown community and around the cohort responses.

At our last hearing, we had to have a White man,
the Speaker, tell another White man, the Chief in
NYPD to respect the Black man in charge, the Chair.
And so, I just want to put that in perspective on the
record when we talk about the conditions that the
community is dealing with, with NYPD.

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2 If they can't come to a City Council hearing and
3 disrespect a Chair, a Black man and have to be
4 reminded of respect by a White man, that is just a
5 piece of what the Black and Brown community is
6 dealing with.

7 Just to touch on some other things. CCRB said
8 that the number one reports is Black children
9 complaining against NYPD. My own son agreed to
10 testify today and then just now, changed his mind and
11 I didn't force him because of his own barbaric
12 policing by police and I am his mother and I have
13 taught him since nine or ten years old how to respond
14 to police but if I hadn't taught him, he would not
15 have known how to respond to the barbaric combat
16 tactics many of these bullies with badges come in our
17 communities and act like and it has to stop now.

18 And I also wanted to say, people in the community
19 do not respect the CCRB or trust the CCRB to even
20 take their reports because the final decision is on
21 the Police Commissioner.

22 So, you tell people to report reports and you use
23 the data of CCRB but as City Council Members, I want
24 you to just think about how many people have not
25 reported to CCRB because they know that you still

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1
2 allow the Police Commissioner to hand out whatever
3 punishment might happen and NYPD said today, they
4 have developed their own system to collect data.

5 That's part of the problem as well. Because how many
6 people are being detained but never charged by NYPD?
7 So, it's not even properly documented.

8 My own son couldn't get NYPD who stopped him in
9 the street after buying a jacket from a store, who
10 accused him of stealing and the receipt was in his
11 pocket, he couldn't get the officers to give him a
12 card which they are lawfully told they have to do.

13 So, there are so many different areas when we
14 talk about dismantling the police and how we are
15 going to push for it. If the police aren't able to
16 hold themselves accountable, it's your jobs as City
17 Council to begin that accountability. And Laurie
18 Cumbo, I will end with this, in 2015, I stood outside
19 of the 88th precinct and had a protest with police
20 brutality and I spoke as a Black mother with a Black
21 son and you tried to silence me then.

22 But lately you've shown up speaking as a Black
23 mother with a Black son and I just want to tell City
24 Council, I'm thankful for those who have finally
25 started to speak up, but it's not enough and it

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should not be, you have to wait for a personal experience to hear the voices of your constituents.

So, do your jobs, listen to the people, and understand that we need action now. And for all of you all who are not holding Council Member Holden accountable about his White privilege, today is the day to begin to do so.

You all stay blessed and I expect to see action. I'm going upstairs now.

COMMITTEE COUNSEL: Thank you very much for your testimony. Next up will be Albert Fox Cahn followed by Lizzy Conner followed by Carla Rabinowitz and Mr. Riggins, if we can get your audio working, you will be up after that.

Thank you.

Albert Fox Cahn.

SERGEANT AT ARMS: Starting time.

ALBERT FOX CAHN: Thank you so much for allowing me the chance to testify. Thank you so much Chair Richards for taking this opportunity to hold the NYPD accountable. My thanks to the Committee Staff, do Speaker Johnson. But let's be clear, these are important steps. Passing the laws before the City Council today, is an important step but it is just a

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1 first of many steps that we need to actually
2 transform the NYPD from the abusive force that it has
3 been for so many generations into a police force,
4 into a department that can actually be trusted by our
5 communities. And for many that day will never come
6 and that is why we're hearing the calls to defund the
7 NYPD. That's why we're hearing the calls to
8 dismantle the NYPD.
9

10 But let's talk about the things that we can do
11 right here, right today to make things at least
12 somewhat better. Because we can't wait any longer
13 for reforms like bystander videotaping protection.
14 If you are recording officers, that is your right.
15 That has been your first amendment right for years
16 but now, we need this legislation because officers
17 aren't respecting that right and that's an important
18 step.

19 But we need to go even further. We need to
20 understand how officers are turning their cameras on
21 the public. We need to understand how officers are
22 monitoring protestors. We need to understand how
23 people are being added to their massive gang
24 databases. For years we have been calling for
25 reforms on these abuses and once again, I'm asking,

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2 demanding, desperately pleading for this Council to
3 take action to reform the source of surveillance
4 abuses that have been tracking so many Black and
5 Brown New Yorkers for years. This means passing the
6 public oversight of Surveillance Technology Act,
7 which for more than three years has been pending.
8 Which has a near veto proof majority of co-sponsors
9 that just needs a vote at the stated in order to be
10 enacted.

11 It needs outlawing the NYPD's road DNA database,
12 where they take thousands of New Yorkers DNA samples.
13 Young children whose discarded gum and coke cans gets
14 them put into a genetic dragnet; we need to end this
15 practice today. We need to pass laws that ban NYPD's
16 dragnet surveillance. We need to end the gang
17 database. Because let's be clear, when stop and
18 frisk was ended by a court decree, against the NYPD's
19 objections. They didn't simply stop targeting
20 communities of color, they found new ways to target
21 those same communities. And the gang database was
22 more than 32,000 New Yorkers of color is just one
23 such way and we need to outlaw it. We need actions
24 that don't just meet the status quo for where other
25 police departments are around the country, we need to

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2 go much further. We need to defund the NYPD; we need
3 to strip \$1 billion this year and we need to redefine
4 what it means to be a New Yorker and the level of
5 protections that we all are entitled to.

6 SERGEANT AT ARMS: Time expired.

7 ALBERT FOX CAHN: So, that walking down the
8 street doesn't mean that we get a knee to the neck.

9 COMMITTEE COUNSEL: Thank you very much. Next up
10 we have Lizzy Conner followed Carlo Rabinowitz.

11 SERGEANT AT ARMS; Starting time.

12 COMMITTEE COUNSEL: Lizzy Conner. We will go to
13 Carlo, we'll come back Lizzy Conner.

14 SERGEANT AT ARMS: Starting time.

15 COMMITTEE COUNSEL: Okay, we will have to move
16 on. Okay, we will go to Jessica New.

17 SERGEANT AT ARMS: Starting time.

18 JESSICA NEW: Hi, Chair Richards and all the
19 Council Members on here. I'm going to be totally
20 real with you, I'm not happy to be here. I feel like
21 I am here because clearly the NYPD have been allowed
22 to get away with literal murder for almost a decade.
23 And only now with public outcry is something
24 happening to actually change it and actually get
25 moved through. I understand this Council has been

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1
2 trying to make reforms. I also see that the police
3 are now off of this call, which is not ideal. They
4 are not even listening to the complaints of the
5 people that are here to testify in front of them.

6 But look, like you guys can't call it like it is
7 I guess, as I've seen from this meeting because of
8 politeness and civics and whatever. The cops are
9 lying to your face. They are gaslighting all of us
10 and telling us that we haven't seen the things we've
11 seen with our own eyes; that Council Members here
12 have literally seen with their own eyes. As we've
13 been out protesting and we've been on social media
14 and they literally can't even admit that their cops
15 aren't wearing masks.

16 I don't understand how we can work with these
17 people if they are lying to the City Council Members
18 that are supposed to keep them accountable.

19 I am so tired of trying to do incremental reforms
20 that don't do shit. I was dismayed and I'm sorry for
21 my language but I was dismayed to hear that after the
22 chokehold ban passed time after Eric Garner, that
23 they were then able to add so many provisions that it
24 was essentially useless. I can't have that happen
25

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again and I just am so sad to learn the state of my city.

So, I would urge you, please, please, you are our city officials that can actually make a difference and use your power to hold them accountable to override any veto from the Mayor and to make real change.

I don't want to hear anymore bullshit from the NYPD about how they are you know, the videos are manipulated or there is more evidence that they are sitting on that they are not sharing, whatever.

I need you to do your jobs and hold them accountable. Because, if there is any evidence for how the NYPD can't police, it's how they can't even police their fucking selves and I'm over it.

So, please, do your jobs. I know you are trying but please, pass all of the bills on the table today. defund the NYPD, and that doesn't mean the Mayor's half assed attempt of \$1 billion over four years, which really amounts to chump change in the \$6 billion budget for one fiscal year.

I don't want to see it go to a vague youth services. I want to know exactly what community programs it's going to and I want to see real change.

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2 I fought for ten years to move to New York City
3 because I believed in it and after this year, I'm not
4 sure I do.

5 So, prove me wrong. Thank you.

6 COMMITTEE COUNSEL: Thank you for your testimony.

7 Next up, we'll go back to Vincent Riggins, Naqiya
8 Hussain and Jillian Primiano.

9
10 VINCENT RIGGINS: Good afternoon, can you hear
11 me?

12 COMMITTEE COUNSEL: Yes, we can.

13 VINCENT RIGGINS: Awesome, thank you so much for
14 being patient. My name is Vincent Riggins, I'm the
15 President of Brite Leadership Coalition East New
16 York. The epic center for police brutality and I
17 have been living in the city since before 1969.

18 I want to thank the Chair Richards for the
19 awesome job that he is doing in holding the police
20 accountable and this tremendous City Council that we
21 have sitting now in this session.

22 Real quickly, I am in support of the legislation
23 that have been submitted, proposal that was made but
24 real quickly, I'm going to run through them. 536-A
25 instead of the chokehold, it being a misdemeanor, it
should be a felony in of held longer than five

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seconds or longer than a duration when a person alerts physical or vocally a challenge with breathing. That should be a felony, not just a misdemeanor.

721-A recording a police commit the filming in their official capacity and unofficial capacity because they are still walking around with firearms and with no exception. Their suit should be included also for individual officers in their union, not just the city.

760-A early intervention system officers activity increase mental health support evaluations. Resend gun possessions and put on immediate desk duty if not firing.

50-A reconstruct visual shield, I'm sorry, what is it. 5267 elected Samuels, visual shield numbers should require the shield number of all officers except of course if they are undercover. Refusal, immediate 30 day suspension, if no physical interaction, 60 days of physical interaction, termination is injury is a result of them refusing to identify themselves and quickly, the sponsors on the 27-A crime for the Governor to sign, I'm also in agreement with that and reconsideration, Ms. Carlina

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Rivera's, 6256, the Eric Garner Excessive Use of Force prevention, I am also in support of that.

So, I am not naive enough to think that we can legislate racism and biases without reimagining our educational system. So, all of the work that we are doing and all of our comrades and colleagues, eventually that is going to have to go back to the educational system. So, one, they got two bills sitting in the state, African American history. It's important that we get to understand each other better than what we see on the news.

SERGEANT AT ARMS: Time expired.

VINCENT RIGGINS: Black people about White people and then we can make a difference. Thank you.

COMMITTEE COUNSEL: Thank you for your testimony. Next up will be Naqiya Hussain followed by Jillian Primiano followed by John Farnsworth.

SERGEANT AT ARMS: Starting time.

NAQIYA HUSSAIN: Thank you for having me here today. It's a disappointment that the people that I want hold accountable and speak directly to couldn't give enough of a damn of their own representatives to walk out from this meeting. Shame on them, shame on having them walk out on us. Shame on Commissioner

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Shea for not being here to listen to his own people and the rage and hurt and pain we feel today.

I am taking notes on who has our back in terms of our Council Members and who doesn't. 2021 is an important election year. Your names are here and we are coming for you if you don't have our back. You are not going to represent us if you cannot take care of your own citizens. It's over. We pay your bills; you have to listen to us. We are dying on the streets.

I have been in New York 13 years now. I have asked for the police for help once. My first year here and never again. It has always been clear for me that NYPD does not work for Black and Brown community members and it's time that we change that. The time has been 400 years since they were established. We need something different and we need representation that has our back.

That's all I have to say.

COMMITTEE COUNSEL: Thank you very much for your testimony. Next up will be Jillian Primiano followed by John Farnsworth followed by Alexandra Cardia.

SERGEANT AT ARMS: Starting time.

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JILLIAN PRIMIANO: Hi, my name is Jillian Primiano, I'm an ER nurse in Bushwick. I am for the abolition of all armed racist gangs in this country, especially the NYPD.

I understand that I am under oath right now and I'm not going to lie like all the cops did on this exhausting phone call. You spent four hours, four in a half nearly five hours of my time this morning with your lies already. We are keeping track of which City Council Member like Naqiya said, are on our side and which are not. We will vote you out.

We are not negotiating with cops. Negotiating with cops on this forum is not working. I want to focus my testimony on the night of June 4th in the Bronx when I was arrested along with other medics and I watched Black people in the Bronx get their ass beat by the cops with open hands intentionally.

Google my name on Left Voice. Google my video. Everybody on this meeting can email to debrief this meeting and call out the people who are lying in this meeting and who are on the side of the cops.

I watched all of this happen, they would not let the medics help the people who they were beating. They zip tied everybody's hands and used them as a

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2 torture device. They are still holding people in the
3 Bronx and we don't know where they are. They are
4 violating Habeas Corpus. I am witness to all of
5 this. I have video and it's already 100,000 people
6 have seen it and if you are a Council Member who has
7 not seen it, I suggest that you watch it and I
8 suggest that you suggest to the NYC Mayor who says
9 that he has not seen any of this, that he watch it.

10 My question is, how will your reform bills work
11 if the cops don't obey their own rules? Who do
12 police answer to? The cop who arrested me said, we
13 don't talk to de Blasio. We don't take orders from
14 de Blasio. Who do police answer to? Who will your
15 reform bills address? How will your reform bills
16 address the fact that the NYPD is an armed group that
17 has been proven to act with racist bias payed by our
18 tax dollars and that group doesn't answer to anyone.

19 Please, everybody email me, first and last name
20 jillianprimiano@gmail.com or you can check my
21 Instagram at Jillian, Jillian, Jillian get in touch
22 with me, we're organizing against these people. We
23 are organizing against them; this is not over. We
24 will not quit.

25

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Even if we are not on the streets, we're working against you and you better, better believe it. I cannot stand for this anymore. I have seen too many people abused. The injuries I have seen as a medic on the street include, head injuries, seizures, broken knees, broken legs, atrial fibrillation, which is a cardiac condition that people can go into from stress. I have seen all of this. They would not let the medics in to help the 150 people they beat in the Bronx that night when they surrounded us before curfew. When they stalked our entire protest, which was an educational protest going through the Bronx, teaching the people who were marching about the neighborhood and what they've gone through at the hands of ICE, at the hands of the police. They were educating us. We are marching and they surrounded us before 8 p.m. and they beat us, causing serious, serious injuries.

SERGEANT AT ARMS: Time expired.

JILLIAN PRIMIANO: Also, all the masks, that's a lie. I tried to give cops masks; they didn't take them. Also, a lie about the conditions in jail. They did not give me a mask; they took our masks.

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They wouldn't obey any medical attention and there was no soap and water.

Thank you. Please email me. Jillian Primiano if you want more information on my eyewitness testimony.

COMMITTEE COUNSEL: Thank you for your testimony. Next up will be John Farnsworth followed by Alexandria Cardia followed by Hera Mirza.

John Farnsworth?

SERGEANT AT ARMS: Starting time.

JOHN FARNSWORTH: Hi, hello. I want to just say thank you to the Chairman and thank you to all of the Council Members that are still here listening to us. This has been, I mean, we're going on like hour five or six right now and I understand that this is like a lot of people to listen to and again, I just want to thank you.

We're here talking to you because we don't feel like there is anybody else in this city we can talk to right now, or anybody else in the state even that we can talk to right now. It feels like the whole world has gone insane and we've got militarized police on our streets that don't answer to anyone.

We need your help specifically. I mean, there is nothing much else to say, so many people have said so

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many good things. Just in regards to all the videos that we've seen that have come out, viral videos of police brutality, and the only one that I want to speak on is, I mean, I saw an officer literally flash a White power sign at protestors.

I mean, there is no way we can reform this away. It's a deeply racist organization and the only thing that we can do about it is to in a capitalist society take their money away. We have to take their money away and we have to do it seriously and we have to reinvest it in education, in social programs, very specific ones that are completely away from the purvey of law enforcement.

I mean, again, I think so many people have touched on so many amazing things, I want to keep making sure that everybody else has time but I just want to make sure that you all know that we're looking to you for leadership right now. There doesn't seem to be anybody else listening to us. We're going to keep emailing; we're going to keep calling. We're going to stay on the streets, we're going to keep doing this because we're going to fight them.

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1
2 You know, I want to see the tanks and the armored
3 vehicle scrapped. I want to see these police
4 officers stripped of the military grade weapon they
5 have. How else can they act in our communities when
6 this is how we dress them? When this is the
7 equipment that they are given. I mean, the only way
8 to do that is to take away their money.

9 So, I'm hoping, again, we've said a lot of things
10 today are a start and I need that to just be the
11 case. That it's just a start and that we really
12 start talking about some very, very serious monetary
13 cutbacks and investment in other programs, social
14 programs. Programs in the community and by the
15 people.

16 Thank you so much for all your time. I'll give
17 back anything that I have to everybody else. Thanks
18 everybody who waited by the way. All you people in
19 the public, thank you.

20 COMMITTEE COUNSEL: Thank you and can we go to
21 the Chair for one moment.

22 CHAIRPERSON RICHARDS: John, I just want to say,
23 I really appreciated those comments and we share your
24 sentiment and really, this movement is not just about
25 one person, it's about each and every one of us

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2 standing up and saying, we want change. And you
3 know, really, we've been doing this work for two
4 years.

5 I mean, and I will say that as much progress as
6 we've made there was still a lot more progress that
7 has needed to be made but you know, there's a
8 difference when elected officials fight these things
9 themselves then when people get engaged and get
10 involved and they march on the streets and that has
11 really enabled us to get the space, to get that
12 momentum we needed so we weren't fighting these
13 issues in a silo or feeling alone.

14 But I want everybody to know that your marching,
15 that your Twitter, that the emails that are flooding
16 my box are not falling on deaf ears. Trust me, I
17 don't even know how to get to my own constituents
18 emails because there are so many emails a day but
19 this is what advocacy is about. This is what we're
20 supposed to do, we're supposed to agitate, we're
21 supposed to regulate, we're supposed to legislate,
22 we're supposed to march. And when you bring all of
23 those things together, just as while we were on this
24 line, the state senate passed 58. Something we've
25

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1
2 been calling and talking about at least since I've
3 been the Chair for about two and a half years now.

4 The critical need to make sure that officers who
5 police our streets. We deserve to know who is
6 policing our streets. We don't know who is policing
7 our streets because we don't have their record.

8 So, I want you to know that because of each and
9 every one of you, and I thank everybody because like
10 I said, Sean Bell was my neighbor. You know, I was
11 stopped and frisked at 13. I had guns drawn on me at
12 13. This is a personal experience for me and many
13 Black men who look like me and Brown men and women
14 who look like me as well. But I want to thank you
15 all. Each and every one of you, no matter what your
16 race is, your color your creed, your religion. You
17 stood up and that's why we're here today and that's
18 why this country is facing a reckoning as you said
19 and a referendum on police reform.

20 And we still have a long way to go and don't
21 think that just because we cut the budget, that's the
22 end of the conversation. You know, that doesn't stop
23 racism, so we got to make sure we're rooting out
24 those bad apples and ensuring that we continue to
25

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hold the police department accountable and that we pass policies and that we keep marching.

So, I want to thank you for those words, it meant a lot.

Thank you.

JOHN FARNSWORTH: We have your back and you have ours, that's all, you know.

CHAIRPERSON RICHARDS: Thank you.

JOHN FARNSWORTH: Yeah.

COMMITTEE COUNSEL: Thank you for your testimony. Thank you Chair. Next up will be Alexandra Cardia followed by Hera Mirza followed by Steve Coe.

SERGEANT AT ARMS: Time starts now.

ALEXANDRA CARDIA: Hi, my name is Alexandra Cardia and I am here with my husband Mark Burn and we are residents of the West Village.

I was born and raised here in Manhattan, I'm a lifelong resident and I am livid. It's shameful that Commissioner Shea was not hear at this hearing today and that other officers walked out during this testimony after gaslighting us all morning.

I would like to detail one incident that we experienced firsthand last week on Wednesday June 3rd at 59th Street between 6th and 5th Avenues outside

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1
2 the plaza. A few minutes past the 8 p.m. curfew, we
3 were kneeling in the street outside of the plaza. We
4 were given a five minute warning to disperse. What
5 felt like seconds later, NYPD swarmed the streets,
6 batons out, violently tackling people to the ground.

7 There was no need for this escalation. Our group
8 was vastly outnumbered and that was clear to everyone
9 there. We had our hands up and were kneeling on the
10 ground. I watched at least five cops tackle a crying
11 woman to the asphalt while she begged to be let go.

12 I saw cops run towards a man who was walking to
13 the subway, then close lined him as he tried to run
14 to safety. these are just a couple of many incidents
15 that we witnessed and captured on our phones that
16 night.

17 As previously indicated at this hearing, the
18 majority of protestors were wearing face masks as
19 opposed to very few officers. Again, there was zero
20 need for altercation. None of the protestors were
21 acting violently or destructively and these
22 aggressive police tactics absolutely endangered more
23 folks to COVID exposures due to the officer lack of
24 PPE.
25

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I would like the NYPD held accountable and I'm discussed by the lack of accountability taken at this hearing today. We're also in budget season, as we have all noted and I am urging you to vote yes to a budget that defunds the police and redirects funds to Black and Brown communities that have been brutalized by racist programs here in New York like broken windows and the Rockefeller drug laws.

We need to provide safe housing for everyone, invest in community self-governance, and we need the details on all of this. Shout out to Jessica New if you are still there who testified earlier today and said the same.

I am also demanding that the DOE end its contract with the NYPD. Police have no place in our schools. In recent days, Minneapolis has shown us that this is possible. I'm asking that Council Members remain transparent with their residents on the process of negotiation in the coming months and publicly make a definitive statement in support of the funding the NYPD before the end of this month, so that we, the residents can hold you accountable.

Moreover, I'm calling for the immediate resignation of Commissioner Shea for his failure to

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hold officers accountable for brutally unleashing
what we saw this week on protestors.

Thank you and I yield the majority of my time.

COMMITTEE COUNSEL: Thank you for your testimony.
Next up will be Hira Mirza followed by Steve Coe.

SERGEANT AT ARMS: Time starts now.

HIRA MIRZA: Hi everyone, my name is Hira Mirza
and honestly after listening to the NYPD blatantly
lie to us, I have made multiple versions of this
testimony, but it's pretty much useless.

So, I'm actually just going to say a few things
to the Council Members. What I really have to say is
the lack of accountability is why we don't trust the
NYPD's usage of the words reasonable, necessary,
intentional. They twist these words in favor of cops
with clear misconduct. So, do not let them change
any of the wording in any of the legislation brought
today.

It is absolutely necessary to protect those who
are most vulnerable, which is the Black and Brown
communities.

And the other item that I have to say is that I
respectfully disagree with that defunding the NYPD \$1
billion would be detrimental to our city. I think

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our city would absolutely welcome it. And that's really all I have to say.

Thank you so much.

COMMITTEE COUNSEL: Thank you for your testimony. Next up will be Steve Coe, followed by David Collier. Steve Coe?

SERGEANT AT ARMS: Time starts now.

STEVE COE: There we go. Hi, how are you? I'm Steve Coe. I was the CEO of Community Access for 40 years between 1979 and 2019. During that time, Carla Rabinowitz and I started a campaign called Correct Crisis Intervention Today, which was focused on getting the police trained so they don't shoot mentally ill people during a crisis.

We've been successful. Almost 15,000 officers have been trained but 16 people have been killed in the last four years. So, we gathered together a group of 70 people who had experienced 911 calls, either personally or their friends and families and we asked them to imagine a system where the police were not called during a mental health crisis and they came up with some fabulous ideas.

Borrowed from other cities most of them. They are not expensive and they would reduce or eliminate

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the very expensive lawsuits that are so, millions and millions of dollars are paid out to people after they have been killed and injured of families.

And in 2018, Carla and I were both on a crisis prevention and response task force and some excellent suggestions came out of that. Currently, there is a pilot program being developed in East Harlem in the Bronx to develop a system so that people who need mental health supports can get it in their community and 911 is never called, so the police never come.

We are also advocating for a pilot program that Jamil mentioned earlier to have two precincts with a high number of 911 calls. To have first responders be an EMT and a trained crisis counselor.

And finally, reforms are going to take time. The only places in the country where you see any kind of substantive change, they last more than one administration. 10, 15, 20 years and part of one of the recommendations from the crisis committee was a governance for it. An oversight board that is separate from the Administration, separate from elected officials. Everybody participates but a majority of the members are people who use these services and you figure out what's working and what's

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not working and you change it as you go along and you improve it over time.

So, those three recommendations are what we've included. Let's figure out how to keep the police out the emergencies in the first place. When there are emergencies, make sure you have trained people arriving and let set in place these systems, so that everybody has a transparent reform and ongoing accountability.

When you start defunding police activity and you start putting money into things that people really need, make sure that those -

SERGEANT AT ARMS: Time is expired.

STEVE COE: That's it, thank you.

COMMITTEE COUNSEL: Thank you for your testimony. Next up will be David Collier followed by Amy followed by Carla Rabinowitz.

SERGEANT AT ARMS: Time starts now.

DAVID COLLIER: Good afternoon, can you hear me? Good afternoon?

COMMITTEE COUNSEL: Yes, we can hear you.

DAVID COLLIER: Okay. Good afternoon Chair Richards and Members of the Committee. Thank you for the opportunity to speak today. My name is David

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Collier, I've been a member of SEIU 32BJ for six years. I live in Harlem and work as a Security at Hudson Yards.

I'm testifying today to speak out against police brutality, it threatens Black New Yorkers like me and in support of the police reform bills you are considering today. I am outraged by the senseless death of George Floyd at the hands of the Minneapolis police. I am outraged that so many years after the killing of Eric Garner violent police tactics like chokeholds still have not been criminalized in New York City.

And this is just the tip of the iceberg. We need serious discipline and oversight. Any transparency about police activity and how it is impacting communities of color. We need police training and racial justice and de-escalation and so much more.

It is unacceptable that for many Black New Yorkers, the NYPD feels more like a threat than a source of protection. We are forced to learn this lesson early and often and the COVID-19 crisis has only continued to hit home just how much Black residents of our city have to fear from the police.

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1
2 Going for a walk in the park during the pandemic
3 has meant taking a risk of being targeted by officers
4 during racially bias enforcement of social distancing
5 rules.

6 Traveling to and from the central jobs during the
7 recent curfew as we are having to agonize about what
8 would happened if were stopped, questioned, or worse.

9 Throughout communities in New York City are
10 hurting deeply from longstanding injustices that have
11 been made even worse by coronavirus. My
12 neighborhood, central Harlem has been among the
13 hardest hit in Manhattan by COVID cases and deaths.

14 Like many of my neighbors and my 32BJ brothers
15 and sisters, I am an essential service worker through
16 the coronavirus pandemic. I am risking my health to
17 do a critical job while others stay inside.

18 It is a sad state of affairs that on top of
19 worrying about being infected, I have to worry about
20 what could happen to me if I encounter the police.

21 SERGEANT AT ARMS: Time.

22 DAVID COLLIER: It is exhausting to always be
23 looking over your shoulder in fear of those who are
24 charged with keeping New Yorkers safe.

25

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It is time for our city government to take drastic steps to stop police violence against Black citizens and to hold police accountable. There is work to do but the bills you are hearing in this Committee today, I urge you to approve them.

Thank you.

COMMITTEE COUNSEL: Thank you for your testimony.

DAVID COLLIER: You are welcome.

COMMITTEE COUNSEL: Next up will be Amy followed by Carla Rabinowitz followed by Samantha Hancox-Li Lee.

SERGEANT AT ARMS: Time starts now.

AMY BREEN: Hi everyone. I just want to thank the Chairman and all the Council Members still listening. My name is Amy Breen, I live in Brooklyn New York and I wanted to share what I experienced this week besides outrage and utter disgust for how things have been handled.

I went to a peaceful protest on Wednesday night, walked in to Cadman Plaza 8:45 where the organizers of the protest agreed with the police to peacefully leave for no conflict and upon leaving, we were completely kettled by the police department, probably 100 plus officers in riot gear where they wasted no

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time in immediately attacking. It was down pouring raining. People were slipping, falling, hit with batons, pepper spray, forcefully shoved to the ground.

I've never witnessed anything like that before. I also saw them target Black and Brown people over me as being White. In my privilege, I was left untouched until the very end but the woman, the Black woman next to me was repeatedly shoved until I was able to move her over in front of me.

Walking out with my hands held up high, I was hit with a baton. I was also called sweetheart upon walking out. And I think to myself, I am one witness to one account in one night and how many 30 minutes like this happen over the course of this week, this month, this entire year. I didn't feel protected, I felt completely attacked and frankly it is an issue where action is long overdue.

So, I thank all the Council Members for speaking up today and using their voice to take action.

Thank you.

COMMITTEE COUNSEL: Thank you for your testimony. Next up will be Carla Rabinowitz followed by Samantha Hancox-Li followed by Micaela E. Martinez.

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SERGEANT AT ARMS: Time starts now.

COMMITTEE COUNSEL: Carla, we can't hear you, we'll have to come back to you. Next up will be Samantha Hancox-Li followed by Micaela E. Martinez.

SERGEANT AT ARMS: Time starts now.

COMMITTEE COUNSEL: Next up will be Makala E. Martinez followed by Ruth Lowenkron followed by Ben Batchelder. We will try to come back to Carla Rabinowitz and Samantha Hancox-Li. Micaela E. Martinez?

SERGEANT AT ARMS: Time starts now.

MICAELA E. MARTINEZ: Thank you. My name is Micaela E. Martinez and I am an Assistant Professor at Columbia University in public health. This photo behind me is something that I witnessed on Thursday night in the South Bronx. When myself and my colleagues, my brothers and sisters who were out in a peaceful protest under the banner of indigenous Black and Brown unity were preemptively attacked by the NYPD. The NYPD's preemptive attack on our people just further entrenches the racial hatred that this country is built upon. And I would like to, as a scientist, I would like to say that that Deputy

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Police Commissioner can have his own opinions but he cannot have his own facts.

So, as we were sitting here and he said, there is no evidence to suggest that NYPD is racist, I pulled up the numbers from the ACLU and the US Census and calculated based on data from 2014 to 2017 that Black and Latino New Yorkers are 7.8 times more likely to face force by the NYPD compared to our White counterparts. That is absolutely unacceptable.

Now, I also witnessed there on June 4th, I witnessed people being hit in the head with wooden clubs, things that were reminiscent of what you would see like in the early part of this century. It was so inhumane and I say this, I saw people with their backs turned being hit like they were seals. And I used to work in the Arctic as a biologist, I have seen marine mammals be killed before in person with my own eyes with more humanity then was given to my Black and Brown indigenous colleagues in the Bronx.

So, I would like to challenge the Deputy Police Commissioner that he needs to learn how to analyze data because he clearly is unaware.

Now, also, the NYPD used excessive kettling to the extent that individuals were unable to breathe to

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1
2 the full extent. I saw women go into panic attacks
3 because they couldn't breath and they thought that
4 you know, they were going to die. Literally, that
5 they were going to die. It was so extreme and
6 excessive. And with absolutely no reason. It was
7 unnecessary.

8 We were walking through the streets chanting,
9 playing drums and the last I checked, saying fuck the
10 police is not illegal and is not any reason to be
11 able to have force used against you. And although, I
12 saw on the news in Michigan, where White protestors
13 went to the Capital building armed, fully armed
14 yelled in police officers faces and weren't arrested
15 but when Black, Brown and indigenous people go
16 outside and say, fuck the police, all of a sudden we
17 have snipers on top of buildings waiting for us and
18 outnumbered by police officers or probably 200 of us
19 and more of them.

20 That just shows that racial hatred –

21 SERGEANT AT ARMS: Time expired.

22 MICAELA E. MARTINEZ: Is excepted in this country
23 and is propagated by the NYPD.
24
25

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COMMITTEE COUNSEL: Thank you for your testimony.
Next up will be Ruth Lowenkron followed by Ben
Batchelder.

SERGEANT AT ARMS: Time starts now.

RUTH LOWENKRON: Good morning everyone, can you
hear me?

COMMITTEE COUNSEL: Yes.

RUTH LOWENKRON: Good morning, this is Ruth
Lowenkron, I am the Director of the Disability
Justice Project at New York Lawyers for the Public
Interest.

As you probably know our organization is involved
in many aspects dealing with combating police
brutality and racial violence and not the least of
which is the work that we do on behalf of immigrants.
We fight environmental racism but I'm going to
concentrate on the work that we are involved in on
behalf of individuals who experience mental health
crisis and who have been brutalized by the police in
our city.

You heard my colleagues talk about this. We have
had in the past few years; this is really a microcosm
of what we're talking about generally about Blacks
and other people of color being abused. We see this

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1
2 in full force with people who experience mental
3 health crisis. They reach out, their family members
4 reach out, their friends reach out to the police for
5 help and they end up shot and killed.

6 We too, have our list of names. They are
7 primarily Blacks and other people of color who have
8 been shot and killed and this must end. I am part of
9 the same Correct Crisis Intervention Today New York
10 City Coalition that others had spoken about and we
11 are out in force. We are over 80 organizations, 400
12 individuals in addition to all of the organizations
13 membership who are fighting this very strongly.

14 And we bring to the floor a specific proposal.
15 We have all been talking about the need to defund the
16 police. To change where money is spent. We have an
17 exact proposal. We cannot be using the police who
18 are not well equipped, who are not well trained, who
19 themselves do not want to be involved in responding
20 to people with mental health crisis.

21 We cannot have them continue to be the
22 responders. So, we have a proposal, I've included it
23 with our testimony. We even have a budget; we would
24 like to see that included right away. We will talk
25

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1
2 with any and all of the Council Members to get this
3 going.

4 I can't help but comment on something that my
5 office is doing that is absolutely related to this
6 mental health work and that is, we are trying to get
7 the body worn camera footage of the police officers
8 who shoot and kill people who are experiencing mental
9 health crisis. We are entitled to that information.
10 We as citizens are entitled to that information. But
11 nonetheless the police refuse to bring it and we have
12 successfully litigated against them. Not once but
13 twice and have had two courts order them to provide
14 that.

15 I would like to see more done to ensure that that
16 body worn camera footage is available to the public
17 as was intended. It's a matter of getting the public
18 to know what is going on and for us, this is part of
19 our bigger struggle to ensure that the police are not
20 brutalizing people who are experiencing mental health
21 crisis.

22 So, anyone who wants to talk about that, I can
23 share the footage, I can share the pleadings and I
24 would be glad to see more done on that front and
25 thank you very much.

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COMMITTEE COUNSEL: Thank you very much for your testimony. I will turn to Council Member Adams in a moment who has a question and I will just remind other Council Members if you do have a question to please use the Zoom raise hand function and we will go to you as soon as you do.

Council Member Adams?

SERGEANT AT ARMS: Time starts now.

COUNCIL MEMBER ADAMS: Thank you. Thank you, Committee Council. I'm not going to be before you very long. I don't have a question; I do have a comment.

For those of you here, had we been in chambers, we would be able to interject freely as Council Members, so this is a little difficult.

Your testimony and for those of you that are listening and watching, I would say maybe ten plus of our last speakers have been women. Hira, Jessica, Amy, Jillian, Naqiya, Micaela and now Ruth, I would like for my colleagues to pay special note to those who are out in the street protesting peacefully that have shared passionately instances of brutality impacted and inflicted on themselves or people of color standing next to them. Look at the faces of

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those who are testifying before you. Some of my colleagues who wanted to bring in the National Guard a disgrace. Wanted to bring in the National Guard into our city, to what, mow down these beautiful women?

No, I couldn't be silent anymore. I just had to make a comment and thank and commend my sisters out there for speaking loud, for being proud, for standing up, for being in the streets, for being champions for New York City and speaking out and speaking your truth right now. God Bless you.

COMMITTEE COUNSEL: Thank you very, very much Council Member Adams. I believe we have Samantha Hancox-Li followed by Ben Batchelder followed by Jonathan Quairtere. Samantha Hancox-Li are you there?

SAMANTHA HANCOX-LI: Yeah, I'm here. Sorry, I'm having some technical difficulties. I guess, I'd like to start by saying that the violence and the lawlessness and the lying that we have all seen today from police is outrageous and unacceptable. And what I want to talk about is specifically what to do about it. I want to talk about the bills that we've seen from those by Council Members today.

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That they are a good first step but they are not going to fix anything. The chokehold that killed Eric Garner, was already in policy. The warrant that killed Breonna Taylor was already illegal. The officers who stood by as George Floyd was murdered were already required to intervene. There is already a right to record police officers in the street but none of this has changed anything because these are rules without consequences.

You know, another new department policy, another law, another whatever, none of this is going to matter if it is not paired with real accountability for police officers who violate public trust. Who commit crimes while in uniform.

As another person has said, it starts with money. In the world we live in, money talks really loud. Right, you know, and if we're just giving the police more and more and more money to buy more tanks and more guns and more tear gas, that's not accountability. Accountability says we don't need more cops in schools. We're going to take that money and we're going to spend it on the schools themselves.

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1
2 Right, I support taking a \$1 billion, \$1 billion
3 a year from the \$6 billion police budget and spending
4 it on the communities that have been brutalized by
5 police. I support giving real civilian oversight
6 powers to the civilian oversight. That fact that the
7 Commissioner has to approve every punishments for
8 officers or defends it completely. We need to – as
9 people have talked about it you want to reform the
10 department; we need real consequences for cops who
11 are egregiously racist who display White power
12 symbols to protestors who beat people for no reason.
13 And that starts with, well, you know, you can't have
14 the foxes overseeing the foxes anymore, right. I
15 mean they are all just foxes out there so to speak.

16 So, we need to reform the police union contract.
17 We need to give stronger powers to Civilian Oversight
18 Board and I know this is out of your power, but we
19 need to end qualified immunity that allows police
20 officers to get away with murder, with death, with
21 reality.

22 So, all of these reforms that we're talking about
23 today, they are a good first step but it's a small
24 step. And I'm worried that we are going to use this
25

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an excuse not to go further. Not to make real material changes in the funding and the power –

SERGEANT AT ARMS: Time is expired.

SAMANTHA HANCOX-LI: Thank you and have a nice day.

COMMITTEE COUNSEL: Thank you for your testimony. Next up will be Ben Batchelder followed by Jonathan Qualtere followed by Marti Cummings.

SERGEANT AT ARMS: Time starts now.

BEN BATCHELDER: Thank you Council Members and thank you to everyone who has spoken. I was arrested at a protest a few nights ago. The protest was completely peaceful. After hours of nonviolent protesting, I saw a female protester getting arrested for what looked like no reason. I pulled out my phone and started filming.

Seeing this, an officer started striding towards me. He didn't issue any verbal warnings. His walking turned into running. I have this all on video.

As he runs, he starts swinging his baton at me. He lunges at me, starts grabbing me. What are you doing, stop, I can be heard screaming in fear. Two other officers surround me, they rip my phone out of

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my hands. They steal the sign that I am holding that says demilitarize and they snap it in half.

As the pin me to the ground putting pressure on my back, they put me in a hold position, while at the same time giving me the impossible command, put your f-ing hands behind your back. They arrested me without mirandizing me or telling me while I was being arrested.

The police station was an absolute chaos as they struggle to process all of the arrests taking place. While I was in custody, they mocked me for being gay with hand gestures and snide remarks. The females who were arrested were flirted with but this is a separate issue.

I left the police station several hours later covered in bruises holding a court summons that said I had been charged with resisting arrest, when in reality, all I was doing was silently filming from a distance. Growing up, I always had the privilege of being able to trust the police but I have sense lost faith that this organization is capable of effectively carrying out its staged admission of protection and service.

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Despite its best efforts, a unit that operates with all the ranks insignia tactics and weaponry of the military is not capable of creating safety in a community, only escalating existing tension.

A unit that brings weapons into every situation, no matter the scope will inevitably respond with violence when the going gets tough and no amount of good apples can counteract what, at the top of the sessions Public Safety Chair Richards referred to as the sickness in the culture of the Department.

A sickness which has hindered the ability of the NYPD to act as an impartial arbiter of community affairs and warps the split second decisions necessary in police work towards the direction of violence, a sickness which has turned our police department into a national disgrace.

I hope this Council finds a way to improve this problem from the source, finds a way to hold the NYPD accountable since they are so clearly incapable of policing themselves and in fact, tend to air on the side of defending officers at the taxpayers expense.

And finally, I would like to voice my support for all bills that increase accountability, demilitarization, and broad scale reforms of the

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police department and especially Public Advocate Williams Introduction 721 defending the right to record police activities, especially since video evidence is so pivotal to this entire movement.

Thank you and I yield the rest of my time.

COMMITTEE COUNSEL: Thank you for your testimony. Next up will be Jonathan Qualtere followed by Marti Cummings followed by Ru Von.

SERGEANT AT ARMS: Time starts now.

JONATHAN QUALTERE: Hi, my name is Jonathan Qualtere. I want to start by saying, I love New York City. I think it's the best city in the world. I'm very proud to be a New Yorker. I love New York but I'm so embarrassed and ashamed of the NYPD, as well as our spineless elected officials who won't stand up to them on behalf of the people.

The answers during this meeting have only deepened my embarrassment but have also pretty flawlessly proved the public's point, the police are incompetent and can't be trusted.

Shea couldn't be bothered to show up and they are literally lying to our faces under oath. I see no reason why any of them should have their jobs.

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Over the past eleven days, I've personally witnessed and filmed the NYPD and siting escalate violence like clockwork. I witnessed a coordinated effort by the NYPD to violently harass peaceful protesters, exercising their first amendment rights. I saw cops beat peaceful protesters, men, women, children, on a daily basis, no provocation.

I watched cops pepper spray protesters at point blank range when their safety was not threatened. What I never witnessed even once was a single police officer attempt to peacefully de-escalate a situation.

Plain and simple, police officers prove to be bad at their jobs. Many prove they are not smart or mature enough to be walking around our streets with guns, literal lethal weapons. It takes a special degree of stupidity for police officers to use police brutality against citizens peacefully protesting police brutality. In fact, it seems like that was the only skill they possessed.

We'd be crazy to think that banning chokeholds would prevent police brutality. What we are facing is a systemic problem and systemic problems require systemic solutions. It's not about changing one law

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or another, it's about seizing this moment to completely overturn a broken system that cannot be fixed because the system itself is the problem.

The NYPD is over militarized and needs to be defunded. It's become nothing more than a gross symptom of White supremacy and racism that politicians refuse to hold accountable because they are terrified of the police unions and they are rich White campaign donors.

What we're left with is an institution wholly incompetent and incapable of protecting the most vulnerable among us. Defunding the NYPD is now a matter of public safety. Defund the police and take the NYPD out of our schools. Let's invest in actual public safety in the forms of healthcare. Mental health resources, housing, education. We don't need armed undertrained violent thugs. We need social workers and mental health experts.

Let me finish by saying none of you are brave for addressing this issue, you have known about it for years and you let it flourish. You are only listening now because your own constituents have humiliated you and ground your city to a halt. You should be ashamed.

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1 The NYPD is an embarrassment to New Yorkers.
2
3 Commissioner Shea is a known racist and should be
4 fired immediately. De Blasio is a terrified nothing
5 who has betrayed his city. This legislation is
6 useless and we are so far beyond it. It is exposing
7 the governments inability to adapt or forward think.
8 You are our City Council; you have the ability to
9 bypass our pathetic Mayor. This is New York City; we
10 have the ability to insight change throughout the
11 entire country. You can insight this change, you can
12 change the status quo upheld by our feeble –

13 SERGEANT AT ARMS: Time expired.

14 JONATHAN QUALTERE: Stand up, be brave, be
15 accountable, make New York City proud. Black lives
16 matter, Black trans lives matters, fire Shea, defund
17 the police.

18 Thank you.

19 COMMITTEE COUNSEL: Thank you for your testimony.
20 Next up will be Marti Cummings followed by Ruvan
21 followed by Carla Rabinowitz.

22 SERGEANT AT ARMS: Time starts now.

23 MARTI CUMMINGS: Hi, my name is Marty Cummings
24 and my pronouns are they, them. I'd like to thank
25 Chair Richards for your leadership and thank the

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Council Members who have shown up to hold the NYPD accountable and for calling out the lies that they told us and the gaslighting that was presented here today.

It is a shame that the NYPD has taken this hearing as an opportunity to lie to the City of New York and it is a shame that Council Member Holden has decided to defend their actions.

Because of protesting, I have been to the doctor four times, have suffered a concussion and nerve damage and have two other appointments scheduled in the coming weeks. And as we sit here during this hearing, Breonna Taylor's murderers have not been arrested or held accountable.

During these protests, in the Brooklyn Federal Lockup, somebody died due to pepper spray. The actions of the police are ongoing racist and overly problematic.

We have a Mayor who incited a curfew that in itself is an act of racism and a Mayor who allowed Eric Garner's murder to stay on the police force for five years.

My experience of this protest is completely counter to what the NYPD has shared today. We

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1 peacefully marched from a service that was to
2 remember trans Black women who have been murdered by
3 police and who have been murdered by injustices and
4 we peacefully marched the west side highway. Upon
5 getting to the west side highway, we are kettled in
6 and the police came swinging with batons. I was hit
7 in the head and tackled by four officers, taken to
8 the Brooklyn lockup, after having our masks removed
9 with no access to having them put back up.
10

11 Throughout this experience, I was held in cuffs
12 for four hours in a 5x12 cell, denied water and
13 denied a bathroom. Denied a phone call, denied being
14 read my rights.

15 Throughout this process multiple people needed
16 medical attention that was denied even though people
17 were demanding that people get that attention. Only
18 after 40 minutes of begging and banging on the cages
19 of this cell did the police come to the aid of
20 somebody who was riding in pain due to pepper spray.

21 Only after demanding for up to 30 to 40 minutes
22 somebody get medical attention for somebody with a
23 concussion, she was taken to the hospital.

24 Throughout this process, people had their masks on
25 their chins filled with blood from wounds, blood

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1
2 coming out of their heads, clearly broken parts of
3 their body, bone of their body that were denied. And
4 throughout this process, the police openly spoke
5 about how much money they are making on overtime.
6 How much they are getting for doing this. How happy
7 they are to see so many people arrested and speaking
8 about how they were given orders to keep us there as
9 long as possible to make us as uncomfortable as
10 possible, so we don't go back out again.

11 Our request for phone calls, legal aid, and masks
12 were denied and the police that were holding us were
13 not wearing masks. I counted three, only three
14 police officers wearing masks and my officers name is
15 Officer Connally and I will never forget him. I will
16 never forget him and the actions that he did.

17 After being held in these cells, we were then
18 taken to a hallway where we had to be shoulder to
19 shoulder. No social distancing, no masks to have our
20 picture taken and then, an officer came by and said,
21 this is taking - this is now our 9 of my 12 hour
22 arrests. This is taking too long. Take their
23 pictures with your cell phone.

24 SERGEANT AT ARMS: Time is expired.
25

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1
2 MARTI CUMMINGS: I will not yield my time, I sat
3 here for six hours. They then took the pictures with
4 their cell phones; I don't think it's safe for
5 protestors to have their photographs on police cell
6 phones. This is atrocious and the fact that the
7 police lied here today, to this city is abhorrent and
8 wrong. It is immoral. The Mayor must resign, the
9 Commissioner must resign and every City Council
10 member must vote to defund the police. We have
11 homeless services, housing preservation development,
12 youth and community development, health and hospitals
13 and parks. The total budget doesn't even match the
14 NYPD budget.

15 Enough is enough. How many innocent Black people
16 do we have to see murdered before people wake the
17 fuck up. Wake up. The NYPD is abhorrent and
18 immoral.

19 I yield my time.

20 COMMITTEE COUNSEL: Thank you very much for your
21 testimony. It looks like Council Member Menchaca may
22 have a question. Council Member Menchaca?

23 COUNCIL MEMBER MENCHACA: Thank you Marti for
24 your words and your calls to action and I'm with you
25 on every single piece. My question is, are NYPD

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officials on this call and can you just say hello right now. I want to make sure that you just listen to the last 20 minutes. Can you just say you are here and make sure that your camera is on.

Who is here from the NYPD representing? Is there anyone?

MARTI CUMMINGS: Saying to me that the NYPD has chosen to gaslight this city and the protestors who were peacefully demonstrating the unjust murders of Black people and they decide to leave because they don't want to hear our voices. Every single officer who was here, who left, should be put up for firing from their positions immediately. It is wrong. It is wrong.

COUNCIL MEMBER MENCHACA: Well, we're trying to find out who is here right now. Who is here from the NYPD listening to this testimony? Who is here from the Administration, is the Mayor's Officer represented? Who is here from the Administration?

Chair, I'll hand it back to you for any follow up on that. That's pretty, that's BS. Thank you.

COMMITTEE COUNSEL: Thank you very much for your testimony. Next up will be Ruvan followed by Carla Rabinowitz, followed by Vanessa Farrell.

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SERGEANT AT ARMS: Time starts now.

RUVAN: Hi there, my name is Ruvan, I'm an independent journalist. I went out and thank you so much for hearing me out everyone. I went out on the very first protest on Friday and I saw, basically what I saw was the first punches made in New York, where people wanted to pass through Canal Street from Center and march north and they weren't allowed to.

The police had already had a van there. I have had experience in war zones and in like terrorism training before and so, I was very aware of what was going on. Very quickly I noticed that they first of all hit everyone down, like the whole line kind of went to the floor and then they started shoving people onto the sidewalk and saying they were going to arrest us for exercising our right.

What I noticed is a systematic situation where the guys in the white shirts were grabbing people off of the sidewalk to arrest them in the street. I noticed this in Manhattan and then I noticed it later in Brooklyn.

I can go on about the police brutality and like them covering their shirts and them using crazy cameras that are like 20 different facial recognition

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patterns built into the Sony camera or got video of police trying to back up into protestors as they were walking up Broadway and 69th Street on Monday.

I've got pictures of police sitting on their asses doing nothing while people were looting. I want to take picture of like the various cars with undercover officers that were sitting around on 14th Street doing nothing.

I need everyone who is on this call to understand that the police are acting like a gang. They are not answerable to anyone. They don't care. They don't want to know about the truth. They are here, we need to change the narrative from people going onto the street to protest to the NYPD and different police departments going to the streets to defend their status of being above the law. This is no longer about protest, it's about them going, fucking up normal citizens, excuse my language, and beating people up.

I've seen so many people beat up. If anyone needs picture of any of this stuff, we've got all sorts of proof. You can email me at ruvan@ravan.com. I am disgusted, I can't believe it. Amadou Diallo's murder, one of the three guys who murdered him, is on

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1 the street with these police officers holding a gun.
2 This is unacceptable. I believe that City Council
3 members really need to figure this out. Look to
4 Minneapolis to see what they are doing. Talk to some
5 of the groups, that police our neighborhoods and
6 figure out what you are going to do for the citizens
7 because it's very, very clear, the Mayor's Office and
8 the NYPD has made it very clear that they do not work
9 for us. They are on the streets to maintain their
10 power. Start to think of them as narcissistic
11 abusers. Look that term up and you will understand
12 what's going onto us right now.
13

14 Thank you so much.

15 SERGEANT AT ARMS: Time expired.

16 COMMITTEE COUNSEL: Thank you for your testimony.
17 We will now go to Speaker Corey Johnson.

18 SPEAKER COREY JOHNSON: I just wanted to say, I'm
19 glad Council Member Menchaca raised that question a
20 few minutes ago, related to the NYPD and the Mayor's
21 Office. They need to be here. It is unacceptable
22 that they are not here, so I'm going to ask the
23 Committee Staff who are on this call, not Daniel who
24 is moderating but the other Committee Staff that is
25 on this call to reach out to the Mayor's Office and

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1
2 NYPD right now, this moment and ask them to come back
3 on because they have to hear the voices of New
4 Yorkers who were brutalized over the last two weeks.

5 So, Daniel, if you could communicate with your
6 other Committee Counsel's or Policy Analysts to let
7 the Mayor's Office and the NYPD that it is always
8 their obligation to stay until the end of our
9 hearings. Every city agency is required to do that
10 and we need them to be here to listen to New Yorkers
11 who have taken time out of their day to be here
12 today. We need to make sure they are here.

13 So, I'm glad that Council Member Menchaca raised
14 it. I hadn't thought of it, I assumed they were here
15 and we have to make sure that both of them, the
16 Mayor's Office and the NYPD get back on this Zoom
17 hearing.

18 And Council Member Menchaca saying, with the
19 cameras on. Yes, with the cameras on definitely.

20 COMMITTEE COUNSEL: Speaker, we have already
21 reached out to the Administration.

22 SPEAKER COREY JOHNSON: Thank you Daniel.

23 COMMITTEE COUNSEL: Do any other Council Members
24 have questions at this time?
25

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1
2 Okay, seeing none, we will turn to the next
3 panelist. We are going to try Carla Rabinowitz one
4 more time followed by Vanessa Farrell, followed by
5 Michelle Ling.

6 SERGEANT AT AMRS: Time starts now.

7 CARLA RABINOWITZ: My name is Carla; the bills
8 are good but not enough. I am the Project
9 Coordinator of CCIT NYC. A Coalition of 80
10 organizations and 400 stakeholder seeking to
11 transform how the city responds to mental health
12 crisis.

13 CCIT NYC and my organization I work for thank
14 Councilman Richards for his role in reforming the
15 Mayor's taskforce and crisis calls. Our
16 recommendations are that task force do not match the
17 current thinking.

18 CCIT NYC is now at the view that resources need
19 to be diverted away from NYPD to mental health teams
20 to respond to 200,000 911 calls the city receives.
21 CCIT supports redirection of funds away from NYPD, so
22 the city will have money to fund and create mental
23 health response teams and this work will no longer be
24 part of the NYPD.
25

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We ask you to carve out \$16.5 million, \$3.3 million a year for our project. CCIT developed a detailed plan, a detailed budget for a pilot project in two heavily impacted precincts after consulting with [INAUDIBLE 3:16:07] and other mental health community leaders.

The pilot paired the escalators with the EMT's to respond to crisis calls. CCIT NYC believes it is essential that the response to these 200,000 calls be peer driven. The proposal much like the HEAT teams in New York City consist of a peer and a clinician. However, the city's HEAT teams are minimal and they cannot respond to any calls involving urgency needs. Nor can the HEAT team today be selected, no general public person can get HEAT teams, not even from New York City WELL.

We would you know, make a change to that model, much like the [INAUDIBLE 3:16:27] model. Even with additional training for police, the city will not be able to prevent the recurring injuries and deaths we have seen. The response we have seen from the police of today's protestors is what CCIT has been documenting for years when police respond to people in emotional distress.

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Police do not deescalate crisis. Many mental health recipients never get mental health care. They never get a second or third change at life. They were killed by police who did not want to and can never be asked to respond to people who are sick.

Since NYPD started their training, at least 17 mental health recipients in New York City have died or have been seriously shot. That's what we know. We need a new peer driven healthcare response similar to the one that worked in Eugene Oregon, for the justice to sit within the current New York City models of the HEAT team.

We urge you to examine our proposal and reserve \$16.5 million over five years for a peer driven crisis program. The program pays for itself and less lawsuits. One colleague on our committee said the city has paid her firm \$3 million to her clients in one year and she is a practitioner. We need to stop the dept in paying to mental health recipients and their families. Get the police out of their healthcare jobs. They were never designed for that and bring mental health teams in -

SERGEANT AT ARMS: Time expired.

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COMMITTEE COUNSEL: Carla, thank you for your testimony. Next up will be Vanessa Ferrell followed by Michelle Ling followed by Charlie Monlouis Anderie.

SERGEANT AT ARMS: Time starts now.

VANESSA FERRELL: Hi, good afternoon Council. My name is Vanessa Ferrell; I'm a medical doctor and a public health professional. I am also a Black person who lives and works in the Bronx.

I just wanted to call out the NYPD, which has been like really shamelessly lying to our faces all morning and has been abusing Black and Brown people since its inception.

I want to speak specifically to one particularly terrifying incident that I witnessed last week. So, June 4th, hundreds of protestors assembled in the Bronx for a demonstration led by a Black, Latinx and indigenous people. Bronx organizers that was denouncing racist police violence and the institution of policing.

From the beginning, police presence was heavy with several officers spotted on roof tops, the nearby buildings, many heavily armored officers on bikes nearby. We, as a crowd chanted, we rode

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1 through the streets in NYCHA complexes in the South
2 Bronx. We visited a local restaurant who has
3 especially supported this community throughout the
4 COVID pandemic by distributing hundreds of free
5 meals. It was peaceful and it was energizing until
6 the NYPD entrapped us and attacked us.
7

8 This was about ten minutes before curfew, they
9 kettled us in a half block area on 136th Street
10 between Brooke Avenue and Brown Place. Hundreds of
11 people were kettled by armored cops on bikes on one
12 end and hundreds of cops like on foot on the other
13 end. None of the cops were wearing masks, nearly all
14 of them had their badges covered. Multiple people in
15 the crowd experienced medical emergencies as the
16 police started beating them with batons and fists.

17 We as medics were not allowed to assess members,
18 people with serious injuries who were being held on a
19 bus. We were not allowed to assess people who were
20 cuffed in the street. Some of them were visibly
21 losing circulation to their hands.

22 The NYPD very intentionally created this chaos.
23 These actions do not make our community safe. This
24 was clearly a targeted attack on the Bronx and on
25 community organizers. The institution of policing is

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1 inherently anti-Black. They police property and
2 capital and not people.
3

4 As a doctor, it's very clear to me that the
5 racist institution of policing has no place in our
6 community. As the A Can't Wait Campaign states,
7 abolition cannot wait. We need to defund police
8 demilitarized communities, remove police from
9 schools, free people from jails and prisons, repeal
10 laws that criminalize survival, invest in community
11 self-governance, provide safe housing for everyone,
12 invest in care, and not cops.

13 Simply put, defund NYPD, all \$6 billion.
14 Demilitarize and dismantle NYPD. Do not replace the
15 police with the same system under a different name.
16 Abolish the police.

17 I yield my time, thank you.

18 COMMITTEE COUNSEL: Thank you for your testimony.
19 One moment please. Next up will be Michelle Ling
20 followed by Charlie Monlouis Anderie followed by
21 Ashley J.

22 SERGEANT AT ARMS: Time starts now.

23 PARISA LYNN: Hi, my name is actually Parisa
24 Lynn, my friend Michelle Ling is also on this call as
25 somebody who has been brutalized by the police.

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1
2 First, I'd like to — Representative Holden who
3 took it upon himself to Tweet and congratulate in the
4 middle of these testimonies. Congratulate himself
5 for remembering the names of two NYPD officers who
6 were killed six years ago, unrelated to protest.
7 Meanwhile, since then, 75 New Yorkers have been
8 murdered by the people who have sworn to protect and
9 serve us. Who are paid by our fucking taxes and who
10 carry guns against unarmed civilians.

11 I am an educator, I am a researcher, I am a
12 fucking person of color in this fucking city and all
13 I have seen is pigs with power tripping problems and
14 no intent to keep anyone safe. On May 29th, in the
15 evening, I was with a group of peaceful protestors
16 while the police attempted to drive their vans
17 through women, children, disabled people and elders
18 repeatedly on Lafayette, a block away from their
19 fucking precinct.

20 After my partners and two friends and I,
21 including Michelle, stood in front of the police car,
22 so that they would not drive through groups of
23 teenagers, I was tackled along with my partner by a
24 massive 200 pound NYPD and beaten all over the
25

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1
2 fucking place where I still had bruises all over my
3 arms ten days ago.

4 I was not given any kind of verbal warning; I was
5 just attacked. And when I yelled at them for
6 attacking me, I was laughed at. The next day,
7 Michelle Ling who is also on this call, was pepper
8 sprayed with absolutely no verbal warning at a
9 standoff with the police in Flatbush which is already
10 an overpoliced neighborhood with lacking in resources
11 and affordable housing.

12 How can you possibly – how shame on you Council
13 Members, shame on you Holden for fucking coming here
14 and defending people who are armed to the fucking
15 teeth with military grade weapons, with military
16 grade strategy and using it against the people who
17 pay for them.

18 I have seen cops even leading up to this point,
19 before the protest started, in the pandemic thinking
20 they were the targets of the pandemic. I've seen
21 groups of 20 to 30 cops arresting teenagers with no
22 warning and then laughing in my face when I record
23 them and tell them to take their hands off of people.

24 I have seen cops calling people bitch while on
25 the job. Can you imagine any other fucking

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1 professional where you could call someone a bitch.
2 You can't work at a coffee shop and call someone a
3 bitch and still have your job. And this was right
4 before one of them struck a New York City public
5 school teacher in the head with a baton. The only
6 reason that she was not arrested is because this
7 officers supervisor realized that she would be taken
8 and it would be filmed and it would go viral and so,
9 they let my friend go, so that she could not get a
10 badge number.
11

12 Every single officer I have seen has had their
13 badge number covered. I have seen body cameras turned
14 off and removed. I have seen cops being begged to
15 put on masks while they are standing within inches of
16 elders and children and laughing in our faces and
17 refusing to put on PPE.

18 Meanwhile, all of this money is going to people
19 who murder. While nurses and doctors and public
20 school teachers are dying from lack of PPE. To all
21 of the NYPD who are here, fucking shame on you for
22 choosing this profession and to all the Council
23 Members who decide to sit up here and defend people
24 who take our money to protect us and then arm
25 themselves with guns, please explain to me why the

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people protecting us need guns. Nothing about their job is dangerous and you look in the history of NYPD deaths, 30 percent of them are from friendly fire. It's not our fault you can't train your fucking people.

SERGEANT AT ARMS: Time expired.

PARISA LYNN: Because you are harming us, because you are murdering us and because you are taking our money in the middle of a pandemic where 60 percent of people are unemployed and hitting us over the fucking heads with your fucking batons. Shame on you Holden, shame on you fucking cops and shame on any of you who fucking defend them.

I yield my fucking time.

COMMITTEE COUNSEL: Thank you for your testimony. We will go to the other account Michelle Ling followed by Charlie Monlouis Anderie followed by Ashley J.

SERGEANT AT ARMS: Time starts now.

PARISA LYNN: It's the wrong Michelle Ling, unmute the other Michelle Ling.

MICHELLE LING: Hello, my name is Michelle Ling. I am sharing instances of White supremacist violence against the bodies of my friends and comrades by

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1 armed NYPD officers. I'm implicating all officers in
2 their violence as they stood by and watched, as they
3 participated in the beating, gasing, spaying and
4 mowing down of other protestors. I want to affirm
5 that there were thousands of police officers out this
6 past week who were not wearing PPE. When we asked
7 them why they weren't wearing masks, they told us to
8 shut up.

9
10 Some laughed and thanked us for the overtime,
11 others spit at our feet. The NYPD are a plague on
12 this city. The origins of police in this country
13 come from slave patrols, started in the Carolinas.
14 Meant to uphold a racist feeding a completely illegal
15 system of anti-Blackness and White supremacy.
16 Slavery was illegal and so is the fucking NYPD.

17 On May 29th Friday around 8 p.m., a group of
18 friends and I went to attend the protest in front of
19 the Barclay Center in Brooklyn and demanding
20 accountability for police brutality and systemic
21 racism that the NYPD and all police uphold.

22 We want justice for George Floyd, Breonna Taylor,
23 Tony McDade, Nina Pop, Akai Gurley, Sandra Bland.
24 The list goes fucking on. While we were walking on
25 Lafayette, two police cars drove up behind us and

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1 started to run at us. The four of us who were in the
2 street, linked arms to protect each other and to stop
3 the police from kettling the protestors they were
4 driving towards. The cars continued to drive into
5 our legs, pushing us and honking.
6

7 After a few minutes, they got out, two to three
8 cops came out of each vehicle and ran at us with
9 their batons, punching and shoving us.

10 They – excuse me. To my right, three officers
11 did the same thing to my other friends. They started
12 to punch and push me and the white from the side so
13 they could continue to beat my Black and Brown
14 friends with their batons. One Black friend twisted
15 their ankle and fell to the ground and the officer
16 continued to beat them.

17 Once we got to the intersection, one officer
18 grabbed a person's bike who was using it as shield to
19 protect others and threw it across the crowd. Some
20 people were screaming the names of a small child who
21 had been lost in the chaos. I never figured out if
22 that child was found.

23 The next day, Saturday May 30th, I attended
24 protests in Flatbush. On my home that night, we were
25 at the intersection of Rodgers and [INAUDIBLE]

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1
2 3:23:16] and there were hundreds of cops who
3 outnumbered protestors there in riot gear and had
4 formed a ring around protestors.

5 They were pushing people with their batons and
6 running after folks, beating, and arresting them.
7 Many in the crowd were tear gassed, pepper sprayed
8 and beaten. As I watched the ring push against
9 protestors, I saw an officer push a protestor who
10 only had a sign on them from. From at least six feet
11 away, I screamed at him to stop and from his left, an
12 officer that I did not see and I had no interaction
13 with, reached across the barricade and pepper sprayed
14 me in the face. My eyes and face were seared and I
15 was temporary blinded. I had to be carried away by
16 friends. For the next day, my skin was on fire and
17 showered and spread the pepper spray across my body,
18 making it difficult to move or lay down.

19 I will never be able to hold that officer
20 accountable for his violent actions under this
21 corrupt system which prioritizes the safety and
22 wellbeing of people's property over the material
23 bodies and lives of Black people and other people of
24 color. I will never fucking receive justice. As
25 long as the NYPD is intact, I will never know justice

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and calling on you to abolish the police, they do not keep us safe.

SERGEANT AT ARMS: Time expired.

MICHELLE LING: 30,000 officers on the force and not a single person that day cared for the safety and wellbeing of the people of New York City that they are paid to defend. They armed themselves against us, they refused to wear masks. The NYPD is a plague. The NYPD does not protect us. Abolish the police and power to the people.

COMMITTEE COUNSEL: Thank you for your testimony. Next up will be Charlie Monlouis Anderie followed by Ashley J followed by Paulina Ramos.

SERGEANT AT ARMS: Time starts now.

CHARLIE MONLOUIS ANDERIE: Hello, my name is Charlie Monlouis Anderie. I am 25 years old and I am certified breastfeeding counselor and professional chef based in Crown Heights Brooklyn.

My pronouns are they and them and I'm going to read my testimony because I am on around the clock pain medication to manage from what I experienced.

My arm was broken by the police on Wednesday night during a peaceful protest. Around 8 p.m., the time of curfew, me and my fellow protestors were in

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Kaplan Plaza in front of Borough Hall when the police circled kettling us leading the exit at southeast corner of the plaza.

We peacefully chanted and waited with thunder and lightning. The instant that it began to rain, the barricaded police began sprinting at the crowd of protestors. I, closest to their ranks witnessed several officers raise their batons to beat two smaller protestors to my right who were trapped against the fountain.

I reacted instinctively using my bike to shield myself from their batons. They were kicking my back and I tried to pull it free of their kicks. I fell as they tackled me, battering me with their batons. As they pinned my arms, legs and head to ground, my whole body went limp and my bladder released.

I felt grateful that my backpack held my bike helmet and shielded my spine from their blows. They pulled my arms back and zip tied my wrist and tightly bound the straps of my backpack, so that it swung upside down behind me as they lifted me from the ground. I yelled feeling a sharp pain in my right arm. Then I had the acute sensation that my right arm was detached from my body. I yelled out in shock

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1 from this moment for the next hour and a half. I
2 repeatedly expressed pain in my right arm and begged
3 for medical attention to no avail.
4

5 Two officers marched me to the bus, the officer
6 to my right badge number 5130 was a White female
7 officer, she yanked my right arm and yelled at me to
8 walk. My mask hung around my neck and I asked the
9 officers around me to lift it above my mouth. They
10 told me; you don't need that.

11 I was glad that the rain soaked my body, so that
12 no one could see the urine running down my legs.
13 From the moment they had lifted me from the ground, I
14 felt my right arm was no longer there. I couldn't
15 feel it, I was numb from the right side of my neck to
16 my right fingertips and pain radiated through my
17 whole body.

18 The officer on my right, badge number 5130 yelled
19 at me to walk. I begged her not to pull on my arm.
20 The more that I begged her, the more that she yelled
21 at me to move towards the bus. I could not see any
22 protestors as I looked around, only police. Everyone
23 had disappeared. I felt so weak and nauseated and
24 was about to clear my mouth. While officer on my
25 right snarled in disgust. Tears had streamed from my

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face while I begged her not to pull on my right arm. Then she pulled back on my right arm and brought it above my head behind me, so that I doubled over forward. I heard a snapping sound come from my arm as she did this and I screamed out.

I began screaming and insulting her. I told her that she should –

SERGEANT AT ARMS: Time expired.

CHARLIE MONLOUIS ANDERIE: She said, no, you should be ashamed you are an embarrassment. I asked her why, is it because I'm trans? Is it because I'm a freak to you? Is it because I'm a faggot?

To which she snarled in disgust again. I asked her, what is your badge number and she moved to cover her badge. I read her number off her helmet 5130.

We reached the bus and she threw me onto the bus. There were two male officers on the bus watching us. I tried to look at my arm and saw a large deformity. The fracture in my bone created a swollen lump the size of my fist in the lower part of my arm in the middle of my femoral bone. I had no control over my arm, wrist, hand, and fingers.

At first, the cops ignored my request for medical help. There was an older White man next to me, who

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1 identified himself as a doctor from Seattle. He
2 examined my arm and confirmed that it was most likely
3 broken. He joined in my cries for help and demanded
4 they cut the zip ties on my wrists. My hands had
5 started turning blue. Other protestors on the bus
6 were asking for their zip ties to also be cut as they
7 were experiencing loss of circulation.
8

9 All along, the cops were telling us, they did not
10 have the tool to cut our zip ties. We asked how long
11 it would take for the paramedics to get to all of us.
12 They retorted; a lot of people are hurt right now.
13 And I said, you hurt a lot of people. There was so
14 much yelling. No one was listening to me as I was
15 just begging for them to make the pain stop. The
16 whole time I was focusing on my breath to prevent me
17 from going into a panic attack. There was so much
18 pain.

19 One of the officers told me they called an
20 ambulance and it was on its way. I asked how long,
21 he said a few minutes. Time just kept moving on by.
22 Eventually I saw what looked like the fire department
23 arrive. I raised the volume of my screaming to try
24 to get their attention. They stood by the bus and
25 blankly stared at me doing nothing.

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1
2 I asked the officer how soon the paramedics would
3 help me. He said, they are still coming.
4 Eventually, two paramedics got to me on the bus. A
5 white woman and a white man with glasses. It was
6 only then that the cops supposedly had the shears to
7 cut all of our zip ties on demand. The paramedics
8 asked me if I could feel my fingers on my right arm
9 while they touched them. I barely could. They asked
10 me to move my fingers, I could not. The paramedics
11 cut the zips; they were so tight that they had to cut
12 my backpack to finally be able to do so.

13 Once the zip ties came off, they repositioned my
14 arm. They ordered pain medication and we waited for
15 the same faceless authority to figure to okay the
16 medicine. The two paramedics debated the dosage and
17 opted for the smaller one. Just enough they said to
18 get me onto a stretcher without causing too much
19 pain, just enough to stabilize me. They gave me
20 fentanyl. I was in so much pain that I barely felt a
21 difference, just tingling sensation in my face. But
22 still all I could feel was pain. They got me in the
23 ambulance, I asked Liz if she could give me more pain
24 medication, she replied that they would have to get
25

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1
2 authorization again. There were police cars
3 following the ambulance to the hospital.

4 When I arrived at the hospital, the police
5 followed me into a trauma room. I disclosed my trans
6 identity to the hospital staff and begged them to
7 respect my pronouns and not to expose my body. They
8 cut my clothes away from my body until I was naked
9 with the police in the room.

10 As many of the hospital staff asked me questions,
11 I began unfolding the story of what had happened to
12 me and insisted that I do not feel safe with the
13 police who were in the room. The police rolled their
14 eyes at my request to the staff. I continued asked
15 for more medication and again, was told that we were
16 waiting for some faceless authority figure to approve
17 the rights of pain relief.

18 There was a moment where the hospital staff left
19 me and the police in the room alone and when the
20 doctor returned, I couldn't breathe from an anxiety
21 attack and begged him not to leave me alone in the
22 room with them again.

23 Throughout this entire experience, I struggled to
24 maintain even breath and fight from the intensity of
25 my pain. At that point, the cops turned to face away

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1 from me but none of the doctors would speak directly
2 to them or even so much as ask them to leave. A
3 resident asked me to repeat the story of how I had
4 come to be injured. It was only me, the resident and
5 the two cops in the room. I saw the resident
6 glancing at the police as he was filling out the
7 chart. In the discharge papers that the resident
8 chartered. My closest injury was listed as a bicycle
9 accident. I never left police until the moment that
10 the trauma had confirmed a fracture on my bone in the
11 x-ray and the officers immediately wrote me a summons
12 for disorderly misconduct and left without an
13 explanation.
14

15 Fuck the pigs.

16 COMMITTEE COUNSEL: Thank you so much for your
17 testimony. Next up will be Ashley J. followed by
18 Paulina Ramos, followed my Maria Ordonez.

19 SERGEANT AT ARMS: Time starts now.

20 ASHLEY J: Thank you so much Charlie. Can you
21 hear me?

22 COMMITTEE COUNSEL: Yes, we can hear you.

23 ASHLEY J: Okay, first Council Member Holden I
24 hope the people in Middle Village step up to vote you
25 out on the chokehold. The NYPD can play it down as a

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1
2 simple addition and we all know that there suggested
3 addition of intention is a way of so far shifting the
4 burden of proof as to render the bill completely
5 useless.

6 If they already lie about what is caught on
7 camera, you know that you then want us to
8 additionally prove what an officer intended as though
9 they won't simply lie. So, please no addition of
10 intention within this bill.

11 The NYPD has shown itself to be in business of
12 extinguishing life. Whether that be the cold blooded
13 murder of Black and Brown people including women and
14 children in the streets or in their homes or the
15 every day terror of stop and frisk making public
16 space a site of anxiety and trauma, the school to
17 prison pipeline that can sooner imagine an life of
18 confinement for a Black child in one of health,
19 prosperity intellectual endeavor. Indeed, the
20 looting of the budget or by the police, provided
21 policing receives a whopping \$6 billion while there
22 is a hiring freeze in the DOE and proposed cuts of
23 have a billion dollars.

24 It is for these reasons and more that what I am
25 hearing and what I want to insist upon, there is no

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procedure or system that can fix what is by many, in the Council's own words, a systemic problem down to the very root and core.

Even as I wish that these bills do pass, the absurdity of reform is evident in the bills that are being proposed right now. So, even as a police budget is in its billions, you are proposing more training and more systems to ensure the officers are murderess. It's a waste of resources.

If this kind of information, how to stop people from murdering, from being biased and racist can not be understood from basic training of an officer, you know let alone a human being, there is something deeply wrong here and the whole practice must go.

Even worse, a bill to record the police, what you are proposing is that not only are we paying for people to kill us, but that people must also do the additional labor of recording our murders for any hope of justice and not only that, that there has to be a bill to allow us to report our murders unless we get locked up for doing so.

Which is in fact admittance that the NYPD is so out of control that disciplinary functions must be outsourced for people who are being brutalized

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1
2 themselves. And I just want to pause for a moment
3 and think about the fact that we are sitting here
4 thinking of ways to rain in the NYPD through all of
5 these additional bills but we cannot legislate
6 humanity.

7 I offer that the very fact that we are sitting
8 here attempting to legislate the police to some kind
9 of humanity means that these issues are deeper than
10 we could ever, ever account for. We need to pass
11 these bills but with it's roots in slave patrols,
12 White supremacy, and allegiance to white property
13 over Black people, it is clear more than ever that
14 the police must be defunded and must be abolished.

15 Thank you.

16 COMMITTEE COUNSEL: Thank you for your testimony.
17 Next up will be Paulina Ramos followed by Maria
18 Ordonez followed by Andre Richardson.

19 SERGEANT AT ARMS: Time starts now.

20 PAULINA RAMOS: My name is Paulina Ramos, I'm a
21 resident of Brooklyn. On Tuesday June 2nd at
22 approximately 8 p.m., my friend and I were walking
23 from the west end highway toward Battery Place to
24 find a bathroom after hours of marching in peaceful
25 protesting in Manhattan.

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2 Suddenly, we heard screaming just a few yards
3 behind us and we turned around to look back at the
4 west end highway and saw a large group of police
5 officers tackle protestors to the ground and beat
6 them violently, including bystanders who were filming
7 the scene with their phones. The police were not
8 wearing PPE. People were screaming for help
9 including a young woman who was getting attacked in
10 hair, her ponytail violently pulled. You can find a
11 video of this incident on Twitter under the account
12 protest NYC along with countless of other footage
13 posted by witnesses of police brutality that has
14 taken place during these peaceful protests.

15 And I urge you to look at all of this footage and
16 hold these police officers accountable and it makes
17 me really sick that the first four hours of this
18 public hearing was giving space to defend NYPD for
19 these atrocious acts.

20 That's all I have, thank you.

21 COMMITTEE COUNSEL: Thank you for your testimony.
22 Next up will be Maria Ordonez followed by Andre
23 Richardson, followed by Branden Nygaard.

24 SERGEANT AT ARMS: Time starts now.

25 MARIA ORDONEZ: Hi, can you hear me?

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COMMITTEE COUNSEL: Yes, we can.

MARIA ORDONEZ: Alright, hello and thank you for the opportunity to speak today. My name is Maria Ordonez and I am an activist born and raised in West Harlem. I've been in the frontlines protesting the streets demanding justice with thousands of other New Yorkers and it is now clear than ever that we must end the racial injustices that we are witnessing on a daily basis. These are all issues that existed before.

They existed before COVID-19 and they most definitely existed even before all of you in the City Council took office. But what have many of our elected officials actually done for Black and Brown communities? Many elected officials in the City Council have taken money from the NYPD, even after the tragic death of Eric Garner and now, I know some of you are turning that money but that doesn't erase the fact that you caused harm in our communities of color. And still have a racist and corrupt police system that threatens Black and Brown peoples lives.

Shame on our elected officials that have in the past years taken money and taken the side of the NYPD. Shame on you and shame on the NYPD now. A

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1
2 person had to be murdered in the hands of the police
3 in order for our City Council to begin to open their
4 eyes to the systematic racism people of color have
5 been facing for years.

6 And to begin to have conversations about this
7 with the people. But that is not enough. The City
8 Council needs to get their act together and for the
9 first time begin to listen to the people who vote
10 them in and must defund and disarm the NYPD now. Why
11 is defunding the NYPD not even indigent in the first
12 place? I know we mentioned it in the meeting, but it
13 wasn't in the agenda. What we demand is that we use
14 the money from the NYPD budget to invest in our Black
15 and Brown communities which are disproportionately
16 effected by police brutality. We should do it by
17 investing in schools, public housing, health services
18 and a just recovery from COVID-19 and our communities
19 of color.

20 As a woman of color, born and raised in West
21 Harlem, I have witnessed friends and family be
22 targeted by police for the color of your skin and
23 there is no reason why the color of your skin should
24 be a crime. This is a result of the systematic
25 racism of this country and issues like having NYPD

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1
2 officers in schools. This is why we demand that we
3 remove the NYPD from schools and invest in ensuring
4 that every school has a social worker. We need to
5 end this serious abuse of children of color as
6 criminals. The rallies and protests that we are
7 seeing in the streets are evident of a movement, a
8 peoples movement. Where the people are demanding
9 that we end over policing, police violence and begin
10 to have elected officials that truly serve the people
11 and if you, the elected officials in City Council do
12 not want to take action and listen to the people,
13 then we, the people demand that you step down because
14 you are not doing your job and protecting the people.

15 We must defund the NYPD, this armed NYPD. Take
16 the NYPD out of schools and abolish the NYPD now.
17 And these demands go to the Mayor Bill de Blasio as
18 well and if he is not going to listen, then he should
19 resign as well. And to Commissioner Shea, you must
20 resign too.

21 Thank you for your time and I hope something can
22 get done soon. Thank you.

23 COMMITTEE COUNSEL: Thank you for your testimony.
24 We will now go back to Chair Richards.
25

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CHAIRPERSON RICHARDS: Thank you and I just want to respond to – because I’ve heard this you know several times today and you know, the City Council meets on these issues. I mean, I think we do hearings twice a month and you know, I don’t want to come off defensive but you know, when you are addressing a Black Chair who lives in South East Queens and Far Rockaway, you know, we don’t need to be lectured. I don’t need to be lectured certainly on the dangers of policing. But what I will say is that you know, this Committee has done a lot of work around the gang database, the DNA database, the marijuana reforms, those are all things we pushed the Mayor and the Police Commissioner on when no one was looking. So, we welcome people to this conversation now but this is work that has been being done continuously for two and a half years, at least since I’ve been Chair and it’s not enough. No one is saying you can’t destroy a system. Listen, Black folks like me have dealt with these issues for 400 years. You can’t dismantle a system in two and a half years.

However, I think it’s incumbent upon us now that we have this momentum to work on these issues

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2 collectively and to push the needle but these are not
3 new conversations. I know everybody has arrived now
4 but these are not new conversations in the Council.
5 So, I just had to put that on the record and I also
6 wanted to just add that you know because I've heard a
7 lot around discipline, we pushed this Police
8 Commissioner back then Commissioner O'Neil to form a
9 blue ribbon panel around discipline. Although my
10 bill today is not being heard on the disciplinary
11 matrix which is a big bill, which is now going to
12 mandate a standard around discipline in the police
13 department because right now, there is no
14 disciplinary framework in the department.

15 But I just want to, just caution people you know,
16 to go back and look at history. Everything you are
17 talking about cutting the budget, we were talking
18 about this two months ago. But unfortunately, it
19 took the uprisings and the unrest in George Floyd's
20 who is a martyr in my opinion, to really get every
21 body else to pay attention but don't stop marching.
22 We need you to continuously attend these hearings.
23 We do these hearings once or twice a month. We get
24 the same people.

25

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1
2 So, now that you are aware that the Council does
3 these things, we need you to show up and be
4 consistent. Not just during the time when passions
5 are high, but when the cameras aren't looking. Once
6 again, I threw Sean Bell's daughter her first
7 birthday party. Alright, when he was killed by the
8 police. He lived across the street from me.

9 So, these are things we live. You know, I mean,
10 my dad and I, you don't think we got stopped by
11 detectives? Of course, we did as well in our own
12 yard, asked why are we here. So, we don't, you know,
13 I just want to caution people that we've been doing
14 this work and I'm not here to defend the Council and
15 say it's been enough but we've been doing this work
16 and now it's incumbent upon all of us to keep this
17 work going on the — carry this momentum as the city
18 reopens as well.

19 So, I just wanted to put that out there and I
20 appreciate your comments and we are certainly going
21 to take all suggestions and any suggestions but these
22 are things we have certainly been working on for a
23 few years.

24 Thank you. Thank you, Dan.
25

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COMMITTEE COUNSEL: Thank you Chair and thank you for your testimony. Next up will be Andre Richardson, Brandon Nygard followed by Eric Yue.

SERGEANT AT ARMS: Time starts now.

ANDRE RICHARDSON: Thank you Mr. Chair. Thank you for the Council Members that are still here. So, just at the very baseline, the foundational document that this country was founded on is not being followed. Hundreds if not thousands of New Yorkers specifically Black New Yorkers have had their constitutional rights repeatedly violated over the last 16 days. With little to no repercussions for the NYPD and other law enforcement agencies that were involved.

So, let me tell you what it's like to be a Black man in New York. So, being a Black man in New York means in certain situations when the son goes down, you are going to share your location with friends, so they know where you are at all times.

Being a Black man in New York means, you are going to avoid the NYPD at all costs, no matter what that takes. Being a Black man in New York means if by chance you are pulled over by the NYPD, and you are and you have the privilege I would say, to have

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1
2 some good attorney friends who will answer your call
3 at 12:00 in the morning. You are going to call them
4 but you are already going to preempt them to say if I
5 ever call and you don't hear anything, just listen
6 and record if you can.

7 So, those are just three things because I know I
8 don't have a lot of time, but that's what it's like
9 to be a Black man in New York City, specifically in
10 Brownsville Brooklyn. We know this country was not
11 designed with Black people in mind. We are now
12 playing catch up to raise the awareness and the
13 attention of all people to say, yeah, we are actually
14 here and exist. And folks think we're out here
15 fighting for equality. We're not fighting for
16 equality. We're fighting to stay alive. Literally,
17 baseline, full stop.

18 The New York City Council and the Mayor has a
19 unique opportunity to do what America could not for
20 the last 244 years. You can show Black America that
21 you care. These reforms are a first step but we are
22 in a moment where we cannot afford steps. We need to
23 be taking leaps and bounds. We need to legislate;
24 you all need to legislate radically. We need to be
25

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radically imaginative right now and do things that we thought were not possible.

Because I can tell you, I'm in board rooms, I'm in meetings, and I'm also in the streets. And there is an energy right now that I have never seen before in New York City. And I can promise you that is going to be transferable to elections. There are activists being grown by the hour. These conversations are happening by the hour. I'm on the phone with 80 year old's. I'm on the phone with 16 year old's.

And my mind is blown and they have raised my level —

SERGEANT AT ARMS: Time expired.

ANDRE RICHARDSON: Enthusiasm and activism into a way that I can promise you next year, we are all going to see something for those of you who are coming back. We are going to see something that we have never seen before in New York City elections.

Thank you.

COMMITTEE COUNSEL: Thank you for your testimony. Next up will be Brandon Nygard followed by Eric Yue, followed by Tonya Finder.

SERGEANT AT ARMS: Time starts now.

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BRANDON NYGARD: Thanks Andre. You may hear a lot of these, their correlation leads to the truth. So, I ask for fresh ears.

May 30th I was arrested, it's 9 pm on Bowery behind the protest. I was ripped from my bike and pushed to the pavement. I was punched in the face until I was zip tied. I had broken no laws, no curfew was in effect, no warning, no rights read. My bike, not anymore, they replied.

Then a young Black man next to me was slammed to the sidewalk. Head bloody yelling, I'm done with this country. Placed onto a correction bus, masked to wear taking from the prisoners, knowing all police had no masks, two hours went by, the police checked Facebook, played gambling games. They asked each other, whose body was whose. Police mentioned, my body cam is dead. The other one said, mines dead at 7. The bloody man next to me was losing consciousness and the prison nurse said, it's a concussion. The police ignored her. Ten minutes later, he passed out and began shaking. He was in a seizure, pissed himself, body convulsing. He was carried out. An officer said to a prisoner, he would play call of duty later and shoot it out.

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2 In the packed cell, more than 70 people, people
3 repeating again and again, water, water. It began to
4 smell like spaghetti. A trans woman was on the
5 correction bus is now placed in the male cell. When
6 they finally called her, she darted out of the cell
7 shaking. For 4.5 hours I stood, I watched bloody
8 maced kids, elders, using toilet paper to appendage
9 their arms. Police laughed when we asked, the phone
10 doesn't work.

11 Three hours into that, the man who experienced
12 the seizure was brought in half conscious. 5:05 my
13 name was called the arrest boy. Nothing is on the
14 paper; they didn't even sign it. These layers of
15 casual cruelty and form of brutality are
16 demoralizing, dangerous and predatory, these are
17 imperatives not suggestions.

18 You are civil servants. We are your boss. The
19 boss is where the money comes from. We are charging
20 you. Change is coming, you just multiplied your
21 opponents.

22 I yield my time.

23 COMMITTEE COUNSEL: Thank you for your testimony.
24 Next up will be Eric Yue followed by Tonya Finder
25 followed by P Jenney Marashi.

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SERGEANT AT ARMS: Time starts now.

ERIC YUE: Hi, my name is Eric Yue, a born and raised New Yorkers. I have lived here all my life and I have come here as someone who has witnessed and been victim to the aggressive and violent use of force by the NYPD this past week during the protest in Manhattan. As many of the people have already spoken about.

In Midtown on June 3rd, the police had begun to tail the peaceful protest walking south and began violently arresting and tackling people to the ground unprovoked.

Once I felt the wave of progression being enacted by the police, I backed away fearing for my safety. As I arrived at the end of the block, three officers came from around the corner and tackled me off my bike. One using their baton on leg. No warning was issued just a complete tactic to enact brutality.

Upon being zip tied, I heard an officer order, make it extra tight and the zip ties were then tighten to the point where I couldn't feel my hands. After pleading with the officers that I couldn't feel my hands to which no one had scissors nearby, they

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1
2 let me suffer and I heard an officer say, look at him
3 shaking like a little bitch. Who is shaking now?

4 After scissors were finally found, the zip ties
5 were on so tight that the blades began to dig into
6 nerves causing deep bruising and damage in my wrists.
7 We were then put in a windowless van for three to
8 four hours with no rights read and finally put in a
9 crowded jail cell with 20-25 people. I left the
10 police station with numbness in my right leg and in
11 both of my hands and various bruises and scrapes
12 around my body. To this day, you can still see the
13 scabbing in a zip tie pattern on my wrists.

14 As a born and raised New Yorker, this city is my
15 community. What does the NYPD think will happen when
16 they continuously betray the communities trust? I
17 remember Amadou Diallo as a kid, Eric Garners as a
18 young adult. The story of police brutality,
19 violence, and systemic racism against Black and Brown
20 people in this city alone has been a disgusting story
21 at every single stage in my life.

22 But these aren't just new stories and news, these
23 are abstract individuated stories to be consumed and
24 refreshed every new cycle. These are people's lives
25 violently ended and there are people that can be held

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accountable to their violent actions. Listen to our voices, the community has spoken and will not stop speaking until we defund the police and actively hold the police and politicians accountable.

To hear the Mayor, the Governor all lie through their teeth, denying any wrongdoing by the NYPD is a major betrayal of the public trust. Listen to these protestors stories, listen to the countless stories of Black and Brown people in the city, in this country and make a change.

Thank you.

COMMITTEE COUNSEL: Thank you for your testimony. Next up will be Tonya Finder followed by P. Jennie Marashi, followed by Viveca K. Licata.

SERGEANT AT ARMS: Time starts now.

TONYA FINDER: Alright, first of all, I want to give a shout out to the Council who has effectively made this is a filibuster by overstepping their time by three hours today. We were supposed to be on at noon and I also want to give a shout out to the NYPD in the meeting who will not see this because they are still not listening and I know this because I checked. I'm a little upset.

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On Friday May 29th, I attended a protest that began at Barclay Center. We peacefully marched toward Bed Stuy when NYPD blocked off the street. Officer seemed to be making arrests for no apparent reason. As I was standing in the road, I was bashed in the head by an officer with a shield. I have a video of this moment though not of what is ensued. 50 or so officers formed a line across the road and although there were hundreds of people behind us, they moved forward in formation and violently hit us back with their shields. There was no way to retreat; all 50 or so officers were using their baton in a thrusting motion as in a stabbing motion aimed at our internal organs in a line.

I don't know if that is standard, but if it is, I don't know what to say about that. I've seen that used multiple times. At one point, I was nearly pushed over ten feet into a stairwell. The officers attacking me, saw that I being pushed over, begged them not to push me into it and continued to push me. I luckily was pushed out of the way by fellow protestors.

Protestors were literally put together like sardines. NYPD wore no face masks, we were pepper

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2 sprayed and while my friend was leaning against a
3 wall, blinded by mace, a male officer ran up and
4 cracked her rib with a baton while she was blinded
5 and officers again, lined up ten feet from us after
6 we had been subdued and push back and after a few
7 minutes, they again ran at us without warning at full
8 speed, swinging batons. I still cannot believe that
9 this was real life. Unfortunately, this was just the
10 first of many assaults that I've experienced this
11 week. I have not damaged any property. I have not
12 broken any laws. I have not hurt anyone or done
13 anything beside peacefully occupy the streets of my
14 city that I paid for dearly and this all took place
15 before 9 p.m. on Friday March 29th.

16 This has been the most horrific week of my life.
17 The events I experienced were not the acts of a few
18 bad cops but as an over armed and under trained
19 militia funded by our taxes to the tune of \$6
20 billion.

21 Over and over while marching in many orderly
22 peaceful protests, I have seen NYPD take a calm crowd
23 and violently escalate the situation using
24 intimidation, pepper spray, batons, shields, and
25 bicycles to beat unarmed citizens, simply for

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1
2 occupying our own streets. I have ministered first
3 aid to a man who was bleeding from multiple wounds
4 after being bludgeoned and thrown against the wall
5 and the pavement. I have sheltered in the lobby of a
6 building with 20 other New Yorkers after our peaceful
7 protest was violently disbursed by the NYPD.

8 I personally saw those squad cars –

9 SERGEANT AT ARMS: Time expired.

10 TONYA FINDER: You know the one's. Shout up
11 Sergeant Polite. Over 40 people in my community were
12 arrested in one night and two were hospitalized. I
13 have video of friends being kettled and beaten in the
14 head repeatedly while other officers blocked my means
15 of escape. NYPD has no place in our city. They
16 cannot alleviate the social problems that make up the
17 greater part of their job. They can only respond
18 with force. This force does not answer to anyone but
19 the police union itself.

20 I will never again feel safe on the streets of
21 New York or any other American city while this
22 violent fascist racist gang is loose on the public.
23 We need reparations now, first to the Black community
24 and to the city who has been bleeding for the NYPD
25 and we have returned nothing. I have also been

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1
2 working with jail support to outside of police
3 precincts to support the injured battered bruised
4 people who are coming out. Their funds are being
5 detained. Their funds are not being given back to
6 them. They are being questioned by the FBI and the
7 DA and I'm not done yet, but I'll be done in a
8 second, so don't fucking cut me off, please officer
9 Sergeant Polite. Because you are the only officer
10 that is still listening to this. I have been since 7
11 a.m. I logged in at 9 a.m. and every officer was off
12 of this call by 10:30 in the morning.

13 And during my time in jail support I have seen
14 the needs of the community. Mental crisis, people on
15 the streets, the street population who need
16 toothpaste, food, water, just basic bottled water and
17 we as a community are giving that to them the best we
18 can through mutual aid, meanwhile \$6 billion plus of
19 our money is going to the NYPD who is taunting us,
20 intimidating us even while were administering aid to
21 the community and they are just watching, sitting by
22 and watching.

23 So, that's where our money is going meanwhile,
24 New Yorkers who have already been hit hard by this
25 plague, not to mention the plague of the NYPD are

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1
2 looking after each other for free. So, I just want
3 to say a big fuck 12 and we are not going to stop
4 until you are gone forever and it might now happen
5 now and it might not happen in this decade, decade or
6 in my lifetime but your time is coming and you have
7 no place in our community and you are over. You are
8 canceled. I am done.

9 COMMITTEE COUNSEL: Thank you for your testimony.
10 Next up will be P. Jenny Marashi followed by Viveca
11 K. Licata followed by Ximena Flores.

12 SERGEANT AT ARMS: Time starts now.

13 P. JENNY MARASHI: Chair Richards, everyone that
14 is here today, thank you so much for listening to my
15 testimony. My name is Jenny Marashi; I am a Lawyer
16 with the Civil Rights Practice in the Bronx.

17 I am here because I represent victims of police
18 misconduct. Thank you for hearing my testimony in
19 support of CCIT NYC's proposal. The proposal was
20 created over the period of two years. It was created
21 with the input of a steering committee of over a
22 dozen organizations and people each serving
23 communities impacted by the current NYPD response to
24 mental health issues.
25

COMMITTEE ON PUBLIC SAFETY

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The massive energy effort and time of those involved in creating the proposal alone would have cost the city over \$3 million. And yet, just \$3 million is the entire cost per year to implement this project that provide 24/7 access to mental health teams in two of the most saturated precincts.

\$3 million is also the approximate amount the City of New York has paid in litigations brought by me in representing my clients against the NYPD. It is not because of any strength or weakness in my or opposing councils litigation strategy or the city's hard stance in a no pay position on some civil rights cases. It is because officers in a majority of cases are called to do something they have not been properly trained to do.

About one third of my cases involve NYPD interactions with people undergoing a mental health crisis. The NYPD policy for interacting with the mentally ill is so fundamentally flawed, it leads to devastating outcomes. While I anticipated my heartbreak overhearing my clients' experiences and everyone here today, something I had not anticipated was just how sad I was becoming taking money from the City of New York for these preventable cases.

COMMITTEE ON PUBLIC SAFETY

300

1
2 I wanted to find a solution to end the tragedy
3 occurring after NYPD responses. I wanted to actually
4 help our city and its cycle of bleeding victims and
5 money, not just holding a cup under the leak. And
6 that is why I got involved in the work of CCIT NYC.
7 I strongly believe that this proposal is a solution
8 for redirecting funds to a place where experts can
9 take on this public health issue. To call in a
10 police force while someone is undergoing a mental
11 health crisis is shocking, it's reckless and it's
12 deliberately indifferent. The City of New York and
13 its officers will continued to be sued and people
14 will continue to be arrested, get into the prison
15 system ill-equipped with mental health care, denied
16 medical treatment and even killed, 16 people in the
17 past four years alone. Thousands of others have been
18 falsely arrested and beaten to a pulp. Dozens have
19 committed suicide in precincts and prisons.

20 I know this because my colleagues and I have
21 represented them. Even sitting across from my
22 adversaries from the corporation counsel to the
23 Comptrollers Bureau of Law and Adjustment, we have
24 had conversations wondering why isn't the city doing
25 something about NYPD's mental health response.

COMMITTEE ON PUBLIC SAFETY

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Judges in federal and state courts have questions this practice numerous time. One even agreeing that it sounds unconstitutional but here we still are. You all have the power to actually make the change that is needed here. The CCIT NYC proposal rightfully takes the responsibility –

SERGEANT AT ARMS: Time expired.

P. JENNY MARASHI: Away from the NYPD and places it within the mental health community. In turn, it serves all New Yorkers including our young officers who are not mental health professionals. The CCIT NYC proposal has been created by a dozen experts with input from about 80 organizations, each with members who live and work in our communities.

This proposal will provide those undergoing and mental health crisis with a two percent to de-escalate and to administer professional healthcare and peer support.

Thank you.

COMMITTEE COUNSEL: Thank you for your testimony. Next up will be Viveca K. Licata followed by Ximena Flores followed by Dereck Means.

SERGEANT AT ARMS: Time starts now.

COMMITTEE ON PUBLIC SAFETY

302

1
2 VIVECA K. LICATA: Hi, I'm Viveca; I'm a
3 transgender New Yorker. I was at a protest on
4 Saturday May 30th and this was before the curfew had
5 been instilled. We were in union square and around
6 4th Avenue and 14th Street and at some point, officers
7 began directing the crowd to move on to the
8 sidewalks, so we did do that. We were then
9 barricaded onto the sidewalks. After a few minutes,
10 officers passed the barricade and began chasing
11 people eastward on 14th street. With no commands as
12 to why we were being moved off the sidewalk where we
13 were legally allowed to protest. I witnessed people
14 being chased, crowds being chased down the subway
15 stairs by groups of police officers.

16 I witnessed people being beaten. I personally
17 was being shoved in the back by an officer who told
18 me that I should be walking and I was walking, which
19 I responded to him. He told me to walk faster.
20 After about a few minutes, there was space between
21 the wall of the officers and the group of protesters
22 who was walking away. So, I turned around to face my
23 cardboard sign towards the cops. I was still walking
24 away.
25

COMMITTEE ON PUBLIC SAFETY

303

1
2 After about 5 or 10 seconds, the same officer who
3 had been shoving me, grabbed his baton with both
4 hands like this and ran forward to charge me. Hit me
5 in the chest, I fell backward onto the ground and my
6 head hit the cement. I had minutes earlier decided
7 to put my bicycle helmet in the side of my backpack
8 and I believe that that's the only reason that I'm
9 able to be here speaking at this meeting today.

10 As I was leaning to get up from the ground, that
11 officer planted his foot onto my crotch. I
12 especially after hearing Charlie's testimony earlier,
13 it is extremely infuriating to hear Council Member
14 Holden and the representatives of the NYPD who were
15 here previously referring to self defense against the
16 NYPD as a hate crime against the NYPD. It shows you
17 how they feel about transgender New Yorkers and
18 obviously about people of color, about all New
19 Yorkers in general who don't just support them.

20 Yeah, I don't know what to say. I am feeling
21 kind of emotional, so I would like to yield the rest
22 of my time.

23 Thank you everyone from the public who testified.
24
25

COMMITTEE ON PUBLIC SAFETY

304

COMMITTEE COUNSEL: Thank you for your testimony.
Next up will be Ximena Flores followed by Derek Means
followed by Hallie rachilla Kendrick.

SERGEANT AT ARMS: Time starts now.

XIMENA FLORES: Hi, I am a Lawyer, a New Yorkers
and completely repulsed by the militarization of my
city. I'm disgusted that the New York PD has left
and side stepped accountability.

I have been here for close to seven hours and it
is not my job, nor do I get paid. Chairman with all
due respect chastising us for not being here more
frequently, it does not mean that we don't care or
put in the work. People are frustrated and they are
so for a reason.

I hope the NYPD and the Mayor's Office is further
admonished for leaving. It is evident that they do
not care. Going forward, I also implore the
committee to let the public go first. These policies
are for us.

Thank you to the brave New Yorkers who have
spoken today. I am appalled that the New York Police
Department continues to gaslight us and pretend that
the root of the problem is the public and not the
other way around.

COMMITTEE ON PUBLIC SAFETY

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It is mindboggling that the NYPD thinks that countering frustrations about police brutality should be met with additional brutality. If this is how they act when the worlds eyes are on them, I shutter to think how they act when the cameras are off.

The NYPD poses one of the most serious threats to public safety. So much so that millions have been marching against them in the middle of a pandemic. Over the past week, I've marched close to 50 miles across the city and didn't see one act of violence except at the hands of NYPD who came outfitted as invading army and seemed excited to fight.

The NYPD does not respect its citizens. I have seen evil in their eyes and utter contempt for the public. I saw thousands of officers without masks, to the point where I started video taping them and asking them to put their mask on. I'd say less than 5 percent wore them and it was abundantly clear that this was not a shear coincidence. This was a protest of their own, an F-you to the public and additional proof that the NYPD believes that they are above the law and beyond reproach.

One officer came of the 13th precinct, responded to my request to put on the mask that the coronavirus

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306

1
2 is a SYOPS and not to worry, we protect our own and
3 don't you forget it.

4 These six officers who were all together on a
5 corner while people kept on coming by, ridiculed me
6 as they told me to leave. How is this serving and
7 protecting? If the Department expects respect and
8 citizens to abide by rules and regulations, they must
9 be the first to do so, not the last.

10 I saw cops stealing bikes from unarmed peaceful
11 protestors with no reason or warrant. One officer
12 shouted, your bike's mine now. Most disturbingly, is
13 the violence and threats of violence. These peaceful
14 marches were repeatedly kettled and attacked for no
15 reason, causing widespread panic stampede and
16 countless stories that you've heard today. Time and
17 again, the NYPD turned completely peaceful situations
18 into war zones.

19 The first amendment protects freedom of speech,
20 assembly, and the right to petition the government
21 for redressing grievances which for avoidance of
22 death does not have a carve out, including time limit
23 or curfews. This government should have a minimum –
24 rights are inalienable and not criminalize the public
25 with curfews and menacing actions and violence.

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I saw hundreds of cops swirling batons. At one point –

SERGEANT AT ARMS: Time expired.

XIMENA FLORES: He was slapping his baton over and over. I asked him, what are you going to do, hit me? He laughed and shrugged his shoulders. The NYPD's comments and continued protections that condone impunity and systemic abuse and racism are reprehensible. I've lost my trust in the police.

I literally hopped into a strangers car; against all cautions I've ever been given to get a ride home from a protest because of my fear for the police. I implore this committee to do more. Think outside the box, defund the police.

Camden was able to clean house because they know that one bad apple rots the bunch. The Commissioner said he welcomes scrutiny on oversight, yet time and again, we are here. Why? The NYPD self-policing and surface level reforms are insufficient. The Commissioner stated that offices must be trusted to use their training, yet that is the problem. The New York Police Department has lost public trust. The subjective amendments that are proposed, including reasonableness and intentionality are the very thing

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that let criminal cops go. They are not above the law. Stop drafting legislation that convinces them they are.

Councilman Holden, you are attempt to shift the focus and gaslight demonstrates that fail to see the systemic problems that Black and Brown communities face and undermines the pain and harm that these communities feel. You should be ashamed of yourself. The government of New York City has failed its people. Black lives matter.

COMMITTEE COUNSEL: Thank you for your testimony.

DEREK MEANS: What happened? Uh, oh, did you freeze me?

COMMITTEE COUNSEL: You may continue. You may begin.

DEREK MEANS: Okay, oh, sorry. Hi, I'm Derek. There is a lot to say about the gaslighting and the blatant lying by the NYPD representatives today. I think it is disgusting, I am almost speechless. The stories from the Black and Brown people of the treatment of the police have been horrifying and the proposed \$1 billion cuts over four years is absolutely not enough. That should be cut in half today minimum and I'm going to talk about — I've been

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1
2 to six or seven protests over the past ten days and
3 every single one was peaceful until the police showed
4 up with their intimidation tactics and started to
5 attack us. June 29th I was at Barclay center, the
6 crowd was in the streets, someone yelled allies to
7 the front and as I walked to the front of the line, I
8 witnessed police hitting a young Black woman with a
9 bike and batons over and over again as she fell to
10 the ground. They were beating her on the ground and
11 then me and several other people around me, tried to
12 be body shields for her and one of the body shields
13 was a young Black man who then a cop in the back,
14 walked up with a baton and started beating him over
15 the back while screaming fuck you, so hard that the
16 baton snapped in half. At which point, he continued
17 to beat this young man.

18 I eventually got peppers sprayed and got punched
19 in the face by another white cop from behind and got
20 let out of the crowd.

21 June 31st, I was again at Barclay Center, a group
22 marched across the Brooklyn bridge. As we got across
23 the bridge, the police started to trail about 3 feet
24 – 100 cops started to walk three feet from us,
25 rubbing their batons and looking out at us. A young

COMMITTEE ON PUBLIC SAFETY

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1
2 Black man stepped a little bit outside of group and
3 immediately got grabbed by the police, thrown on the
4 ground and started getting beaten. He had done
5 nothing wrong; this was before the curfew happened,
6 he was just doing peaceful protests. That night was
7 a mess.

8 Later in the night our large peaceful protest was
9 on our knees in the street, hands up saying hands up
10 don't shoot and the police rushed over the barricades
11 and started punching people in the face and the
12 batons military style assault. I have several angles
13 of video; I've gathered this from Instagram accounts.
14 I, myself, got struck with a baton about 12 times and
15 about half those were while I was on the sidewalk.
16 This was also before curfew. One of the cops struck
17 me with the baton screaming at me, did I want more of
18 that? And that night ended for me when FDNY ladder
19 truck three tried to run over the crowd of protestors
20 three different occasions.

21 They nicknamed themselves RECON which says
22 enough. June 2nd, I was at Stonewall vigil for Black
23 transwoman, after the vigil a march was led to Union
24 Square and at which point a large part of the group
25 went to the west side highway and marched south.

COMMITTEE ON PUBLIC SAFETY

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With the intent to walk back to the Brooklyn bridge.

This was about –

SERGEANT AT ARMS: Time expired.

DEREK MEANS: Give me another minute because I waited all day.

As we were marching south, the police started blocking every single side of the west side highway just before curfew and then our group got notification that the MTA had been shut down. There was on subways and no cars out of the city and the police kettled us on the west side highway and then started to just grab people in the barricades and attacking people. This is the same group that then got kettled again over the Brooklyn Bridge trying to get home.

For the police to sit on this Council and lie to your face and say that no kettling happened, that it's never happened that the Brooklyn side was open was a lie. I was on the bridge; I saw the police on both sides. They are lying, they cannot be trusted and they need to be defunded and abolished now, not tomorrow but now.

Thank you.

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COMMITTEE COUNSEL: Thank you for your testimony. Next up will be Hallie Rachael Kendra – oh, I’m sorry, next up will be Mattie Barber-Bockelman followed by Josh Goldberg followed by Holly Gunder.

SERGEANT AT ARMS: Time starts now.

MATTIE BARBER-BOCKELMAN: Okay, I think – thank you so much for allowing me the time to speak. I think that everything that has been said already is more than enough and everybody has spoken so passionately and beautifully and I am so grateful for that.

I happened to appear in photo on the cover of the New York Times on Saturday June 6th. When I went out to protest that day of the photograph, I had no idea or intention of doing anything newsworthy. I kept on after the fact trying to tell people what happened but didn’t have the language to describe what the cops did because it seemed so evil. Trapping us in and then beating us, kettling. Now I know.

On June 3rd, I marched peacefully from Barclay Center to Cadman Plaza as the city’s curfew went into effect. At around 8:38 p.m., we were stopped in our tracks as police in riot gear rushed in to bar us

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from walking any further. Batons out, shields up, helmets on, no masks though.

After cheering and standing and kneeling for about 15 minutes, the crowd collectively decided to turn around, go home, or at least away from the cops. At that point, we realized we were surrounded. Cops had filed in behind and around us, there was no where to go. At this point, the cops who had first filed in, started advancing on us moving us backwards causing some of us to trip and fall and be at risk of getting trampled. Some people tried to run but only to realize we were trapped.

At 9 p.m., something changed. All of a sudden, the rules were not the same and they began to beat us. I have video of the exact moment pictured on the cover of the New York Times on Saturday June 6th.

That cop with the yellow sunglasses laid out the guy who was on his knees with his hands up. He used his baton to push him forcefully in the face. I couldn't take it. At that point I just started screaming, stop it. Stop hurting people.

We did nothing to provoke the violence, aside from protesting the police violence.

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Other notes from this encounter, there was a woman with a walker who could not move as fast as the cops wanted her and who we tried to protect as she found her daughter. People were getting pushed to the ground, including a cop who maybe was of the 300 you mentioned who were injured. He was then helped up by a group of protestors.

Some cops during the encounter were yelling hold the line, hold the line. Other cops were doing absolutely nothing and some cops were not holding the line, beating people, and pushing them on their backs.

At one point, it was clear that the hold the line order ended and they just went at us. There were also two White dudes specifically provoking cops which didn't feel right to me.

When some of us finally escaped and they stopped going after us, the skies were opening up.

SERGEANT AT ARMS: Time expired.

MATTIE BARBER-BOCKELMAN: Everyone was screaming and yelling and asking if each other was okay. Also, later on that night, we did get stalked by the cops while we were trying to return home safely but that's another story.

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I had one more short thing to say. I walked away, I walked away free and largely unharmed. I had a tiny bruise on my ear. I did not go out expecting any of this. I went out as a White person trying to use my privilege to get in between cops and the Black activists were doing the work right now.

I was also curious to see how they were going to enforce curfew but could not have predicted this. I was fully in shock. But again, I walked away free and unharmed and that is not the daily reality of Black people in this country and that is why I was there in the first place.

Finally, again, almost no cops were wearing masks and almost all protestors were. Mine came down as I screamed and I quickly pulled it back up. We were all being vigilant but the cops were not and these is not excuse for not wearing a mask right now when you are going out to protect people.

Thank you everybody especially the Admin person who is doing all of this.

COMMITTEE COUNSEL: Thank you very much for your testimony. Next up will be Josh Goldberg followed by Holly Gunder followed by Sarah McEneaney.

SERGEANT AT ARMS: Time starts now.

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1
2 JOSH GOLDBERG: Hi, thanks to the Council for
3 having us and particularly to the people who already
4 spoken about the blatant violations of public trust
5 by the NYPD. I've seen some of these beatings in
6 person and they are horrifying just to witness, let
7 alone to be a part of what was described.

8 The police officers action today, years of
9 systemic racism, heightened beatings the last few
10 weeks, completely ignoring public safety for
11 coronavirus, blatant gaslighting through this very
12 meeting, are absolutely unacceptable for public
13 servants of the law.

14 Officers need to be held accountable for their
15 actions. This is not the kind of America we're
16 supposed to be trying to uphold. The NYPD needs
17 public oversight and accountability, so that these
18 actions get prevented and stopped in the future.

19 Furthermore, I respectfully question the
20 effectiveness of this Council in enforcing it's one
21 time operations given that multiple members of the
22 NYPD have clearly and repeatedly lied to the Council
23 when asked direct questions. Are they not under some
24 kind of oath? Was that not some kind of perjury?
25

COMMITTEE ON PUBLIC SAFETY

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1
2 I would have thought that when someone who is a
3 public servant lies to the New York City Council,
4 there is some kind of penalty for it, some sort of
5 penalization. This is not some idiot racist
6 politicians Twitter feed. If we can't work with
7 officers in good faith, we can't work with them
8 period. There is no way that we can expect them to
9 improve their racist tactics over time if they can't
10 even negotiate or discuss with us like reasonable
11 human beings.

12 I would also like to remind Council Member Holden
13 and other supporters of the NYPD what the origin of
14 the phrase gaslighting is. It's on a play in which
15 an abusive husband runs psychological manipulation on
16 his wife, to trick her into thinking that what is
17 real, isn't real. It's an incredibly rude thing to
18 do and incredibly destructive way to act as a
19 politician. You should be ashamed of yourself. The
20 goal of your job is to uphold the laws of America to
21 prevent things like racism and inequalities and for
22 what? Personal gain, you are trying to gain some
23 votes from cop supporters during now. It is
24 ridiculous, you should be ashamed of yourself.

25

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That's all I have. Thank you. I seize the rest of my time.

COMMITTEE COUNSEL: Thank you for your testimony. Next up will be Holly Gunder followed by Sarah McEneaney followed by Jay Cologne.

SERGEANT AT ARMS: Time starts now.

HOLLY GUNDER: Hello, my name is Holly Gunder and I am a resident of District 1 in Manhattan and first, I'd like to personally apologize to all of my Black and Brown neighbors here and everywhere for not fighting personally this hard for you my whole life, I am sorry. And you have put in this fight, it is time for all of us, every color, to join you in this fight and I am sorry.

But now, I am here to share my personal experiences and refute many of the statements provided by the NYPD on this very call. The NYPD, who is no longer here on this call, to give us more of their lies in defense. With regards to the Manhattan Bridge protest on Tuesday June 2nd, they barricaded what several news stations estimated to be thousands of protestors on the Manhattan bridge. I watched as they refused to allow them to cross on to Canal Street. According to my contacts on the

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1
2 Brooklyn side, there were police there as well. How
3 were these peaceful protestors to know that the other
4 side on Brooklyn, would allow them to leave safely
5 since the Manhattan side had not. They were given no
6 indication of this and the majority of officers were
7 not wearing masks and at least two of the officers
8 that I personally faced had their names and numbers
9 covered by their hand held transceivers. A common
10 site in all nine protests in which I participated in
11 this far.

12 On Wednesday June 3rd, the next day, I was one of
13 about 200 peaceful protestors in New York City who
14 were arrested for violating curfew that night. After
15 five hours of marching with no violence and no NYPD
16 reports of destruction of property, our group of
17 approximately 2,000 according to the NBC New York
18 estimate was broken apart and surrounded by police
19 between 50th and 51st streets on 3rd Avenue. This
20 occurred at 9:02 p.m. according to my watch. We
21 walked in peace, we kneeled in peace and despite all
22 of this, I still am a personal witness to police
23 brutality against my cooperative peers for violating
24 curfew by one hour.

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1
2 Immediately upon my arrest, I asked my officer
3 what I was being charged with and he stated
4 disorderly conduct and breaking curfew which was
5 later changed to just violation of the Mayor's
6 Executive order.

7 When police rushed us after 9 p.m. from both
8 sides of 3rd Avenue, I knelt with most others and we
9 all put our hands up and said, don't shoot. I was
10 facing north on 3rd Avenue and a line of police in
11 riot gear on bikes formed a barricade in front of the
12 officers behind them in front of the protestors.

13 Again, there was no violence and no destruction
14 proceeding this. I confirmed this with my arresting
15 officer immediately after being apprehended. I also
16 asked him if he believed there was an issue in his
17 own institution. If he saw the validity of these
18 protests and he said, I really can't answer that with
19 my camera on.

20 Though I was not physically harmed by my
21 arresting officer, and my heart aches for all of you
22 who have said that you have been, I witnessed police
23 shoving my fellow protestors that night and others.
24 This occurred during these arrests and in the rush
25 proceeding. People on bikes were knocked over

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without being told to stop and my peers were
violently –

SERGEANT AT ARMS: Time expired.

HOLLY GUNDER: Thank you.

COMMITTEE COUNSEL: Thank you for your testimony.
next up will be Sarah McEneaney followed by jay
Pallone followed by Miguel Rayos.

SERGEANT AT ARMS: Time starts now.

SARAH MCENEANEY: Hi, I am Sarah McEneaney; I
live in Brooklyn. Thank you so much to all of the
Council Members who are still listening and thank you
to the Admin who is running this insane Zoom call.

So, over the past two weeks, I have witnessed the
NYPD treat unarmed protestors as if we are enemies in
a ground war. I have witnessed my neighbors beaten,
pepper sprayed, arrested, and harassed without cause.

On Friday May 29th, the NYPD terrorized my block
in Clinton Hill Brooklyn. They chased down and beat
my neighbors. I was shoved to the ground by an
officer as I complied with his order to move off my
own sidewalk. I was shoved so violently that I still
have a large bruise on my leg eleven days later. And
that was mild compared to the treatment of my

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neighbors. The officer did this one, without a mask and two, as I filmed him.

On Wednesday June 3rd, I was at Cadman Plaza and I also witnessed the NYPD beat and pepper spray protestors as we retreated and ran away from them. We were met by a wall of officers on the other side of the plaza also primed to brutalize us.

Just last night at the Barclay Center I witnessed NYPD violently arrest a young woman seemingly out of nowhere and throw her to the ground. This is how the NYPD behaves when they know the world is watching. They beat us with a smile on their faces. They act with impunity because our Governor, our Mayor, our City Council allows them to. How will any of your proposed legislation change the behavior of a police force that violently hates the citizens it supposedly serves? That gets off on terrorizing us. That admitted today in this meeting that they view their own rules as loose guidelines to be followed at will.

How do you stop the NYPD from killing and terrorizing Black and Brown New Yorkers? Not through these toothless measures. Many of which have already been enacted with no results. You stop them by defunding and dismantling the police.

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As of today, only 9 City Council Members have said they will vote no on the proposed FY21 budget. Thank you to those who have said they will vote no. To those who have not, respectfully, take your tongues off the boots of the NYPD and help the citizens you serve.

I yield my time.

COMMITTEE COUNSEL: Thank you. We will now go to Council Member Menchaca.

COUNCIL MEMBER MENCHACA: Hi, everyone, it's almost five o'clock and I'm going to ask the question again, is the NYPD present and/or the Mayor's Office present to be listening to this testimony? And as a member of this Committee and you heard the Speaker and the Chair, where are they? Where are they? Cameras on, where are you? Okay, thank you.

COMMITTEE COUNSEL: Thank you Council Member and again, thank you to the members of the public who are still here and we will be here as long as you are. Everyone will have an opportunity to be heard and we thank you for your patience on behalf of the entire Committee.

Next up will be Jay Cologne followed by Miguel Rayos followed by Michael Herbig.

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SERGEANT AT ARMS: Time starts now.

COMMITTEE COUNSEL: Jay Cologne, are you there?

Okay, we will come back. Let's go to Miguel Rayos followed by Michael Herbig.

SERGEANT AT ARMS: Time starts now.

MIGUEL RAYOS: Can you hear me?

SERGEANT AT ARMS: Yes.

MIGUEL RAYOS: Thank you. Good afternoon Chair and members of the Committee. My name is Miguel Rayos Velasquez and I am currently a resident of Crown Heights Brooklyn.

First off, I would like to thank all of my fellow New Yorkers who have shared their stories, gut wrenching as they have been. I would like to share some of my thoughts on this. I think for me, its been really hard to see so much of the violence perpetrated by the NYPD. There mission statement is "to enhance the quality of life in New York City by working in partnership with the community. To enforce the law, preserve peace, protect the people, reduce fear and maintain order." And recent videos show a very different face of the NYPD. We see police officers who arbitrarily enforce the law at their convenience, cause chaos, attack people,

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1 instigate terror and escalate conference at every
2 turn.

3
4 Not only that but we have seen them lie during
5 this specific meeting to us and we have seen them lie
6 to our faces on many, many occasions. On many
7 different media, whether that be the radio shows that
8 they call in. Their statements, the TV, their social
9 media, everywhere, it's all construed to be something
10 different than what it is.

11 To me the most unacceptable aspect of what is
12 happening is the asymmetry of power we have set up
13 between the police officers and the citizens that
14 they police. Council Member Holden mentioned today
15 that we ask not to characterize the protest movement
16 by a few violent cases and he tried to extend this
17 same logic to the NYPD. But there is an inherent
18 asymmetry there between armed police officers with
19 military grade equipment and peaceful citizens. It
20 is not — it's a false equivalency and it is not
21 correct to say that it's the same kind of painting of
22 the situation.

23 I am here to urge you to decrease the budget of
24 the NYPD by at least \$1 billion in this year and to
25 continue doing so every year. Focusing on

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1
2 establishing civilian oversight structures, removing
3 barriers to reporting police misconduct, ending
4 police to minor broken windows offenses, ending
5 policing and stop or frisk and establishing
6 alternative approaches to mental health crisis.

7 Lowering the standard of proof for the Department of
8 Justice Civil Rights investigations of police
9 officers. Establish standards and reporting of
10 police use of deadly force, and traffic related
11 police killings and dangerous high speed police
12 chases. Monitor how police use force and proactively
13 hold officers accountable for excessive use of force.
14 And also, use federal funds to encourage independent
15 investigations and prosecutions.

16 SERGEANT AT ARMS: Time expired.

17 MIGUEL RAYOS: I will yield the rest of my time
18 but I would like to thank all of the previous New
19 Yorkers who have shared their stories.

20 COMMITTEE COUNSEL: Thank you for your testimony.
21 We'll go to Michael Herbig followed by Jess La
22 Bombalera followed by Alexandria L. Lockhart.

23 SERGEANT AT ARMS: Time starts now.

24 MICHAEL HERBIG: Hi, my name is Michael Herbig.
25 I live in East Flatbush. I just wanted to talk about

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1 pretty much more of the same. I was at the Cadman
2 Plaza protests and you know, we've heard already what
3 happened there but basically while in the rain, after
4 the police attacked us and was completely surrounded
5 by multiple officers who continued beating me, while
6 I was in a fetal position screaming for them to stop.
7

8 And all of the other things that above been
9 described you know, of course they are not wearing
10 masks. You know, of course they are covering their
11 badges, like that's not in question, only an idiot
12 would say otherwise.

13 And yeah, I'd just like to say that no one gives
14 a shit about these anti-chokehold measures and these
15 bills are ridiculous. Any officer who is still today
16 an officer after seeing and participating in this, is
17 the type of officer we don't want on the streets.
18 They are all terrible and I think through defunding
19 the officers and representatives will see just how
20 unnecessary they really are and what a detriment
21 their entire life and career has been to real
22 progress.

23 So, thank you. I yield my time.
24
25

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COMMITTEE COUNSEL: Thank you for your testimony.
Next up will be Jess La Bombalera followed by
Alexandria L. Lockhart followed by Ben Goldfarb.

SERGEANT AT ARMS: Time starts now.

JESS LA BOMBALERA: Hey, can you all hear me?
Hello.

COMMITTEE COUNSEL: We can hear you.

JESS LA BOMBALERA: Okay, hey, I'm Jess La
Bombalera. I'm here in El Barrio, East Harlem. You
probably know this neighborhood because the Melissa
Mark-Viverito used to be the Speaker of your City
Council, sold my fucking neighborhood to developers
in gentrifies.

So, I got a couple of things to say and when you
all come on and tell me my times stops, get the fuck
out of here. It's been seven hours not only did I
have to listen to these cops and not just the cops,
but to be honest with you all City Council Members,
you pose in like you oppose in them for your sound,
for your social media, for your via election
campaigns. Get the fuck out of here, you have been
supporting the cops and the pandemic. When the MTA
was strapped and you supported putting more cops on
the MTA. Fuck out of here, we know where you are

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1
2 coming from and we know what these little photo
3 opportunity bullshits are.

4 I also want to call out all these White New
5 Yorkers who waited four hours with us to be able to
6 speak and then did not yield their time to Black and
7 Brown, indigenous New Yorkers who thought that there
8 sense of, I thought cops was here to protect us but I
9 guess they are not.

10 Boy, you think that this sort of like shock and
11 empathy thing is the move. Okay, so a couple of
12 things, you was talking about, Chair, you was talking
13 about moving against the gang database, what's up
14 with that? Because the last I check, that's still
15 operating. Last I checked, that's still up.

16 You talk about us to show up, been showing up in
17 all these neighborhood council meetings trying to
18 fight gentrification ain't nothing changed.

19 And then real quick, I want to talk about some of
20 my experiences in the Bronx on Thursday, so you know
21 you all heard from a few people who were there and
22 thank you much power to all my siblings who were
23 standing, you all know what it was right? It was
24 lead by a group called Decolonize This Place. The
25 NYPD is a colonial occupation force. Let's be real

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1
2 honest, you all know they are being trained by the
3 IDF. They are trained in counter insurgency methods.

4 It is not a surprise or shock that they are using
5 counter insurgency methods against us in the Bronx,
6 Black and Brown people. Right, and what happened,
7 saying they have no masks, it goes beyond that, they
8 were spitting, coughing, and sneezing on us directly
9 and saying, I have COVID, right.

10 Kettled us before the curfew, beating and shoving
11 us, inducing panic attacks, old people, children,
12 people in the neighborhood, being gassed. Gas is a
13 dispersal method. How the fuck are you going to gas
14 people when they are hemmed in? On top of cars,
15 beating down on people's heads, zip tying us to the
16 point where our hands was turning purple, having us
17 on the bus.

18 And guess what happens when we get in there even
19 you know, some of the White girls who do get
20 arrested, in and out like nothing. Guess who is
21 staying, guess who is standing outside in the rain
22 for hours zip tied, no water, no access to anything.

23 So, you all want to act shocked. We can reform,
24 we can do this, vote people in, vote people out. OH,
25 it's been that the last time there was a curfew in

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1
2 New York City, it was because Black people in Harlem
3 were standing up for one of our own being killed by
4 the NYPD and I do not want my great grandchildren out
5 here having to protest this same shit.

6 So, you know what it is. You got to defund the
7 NYPD. Not just defund it, abolish it. Abolish the
8 police, the police are a colonial occupation force.
9 If this city is for us, the NYPD can't stay. If it's
10 to protect all there gentrifies, all these corporate
11 interests, then you know what it is and you go ahead
12 and stay doing what you are doing and how the fuck
13 you trying to pass a load of laws to tell people to
14 follow the laws that are already there? Like, do you
15 not feel foolish as hell?

16 So, yeah, you know, we're talking about
17 decolonizing this place, we're not stuttering. We
18 know what it is and we know why that's threatening
19 the cops in a way that all these little you know
20 photo op type shits that Jumaane Williams is not to
21 the cops right. That's not threatening.

22 So, come on man, like you all know what it is.
23 You know what it's about. Stop playing games with
24 us. Stop playing in our face. To all the White
25

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people after me, yield your time to Black and Brown people right, and stop playing in our faces.

That's it.

COMMITTEE COUNSEL: Thank you for your testimony. Next up will be Alexandria Lockhart, followed by Ben Goldfarb followed by Madison Gardner.

SERGEANT AT ARMS: Time starts now.

ALEXANDRIA LOCKHART: Hello, can you hear me?

COMMITTEE COUNSEL: Yes.

ALEXANDRIA LOCKHART: Okay, great, I just want to say that we are not asking anymore, we are demanding that the NYPD should be defunded and dismantled. This entire time that I've been on this call since the beginning, I heard nothing but fucking lies from the NYPD Commissioners that have decided to participate. There will never be peace or cohesion between the community when the NYPD continued to lie and sit there and not condemn the brutality their men and women unleashed on protestors and continued to unleash in communities of Black and Brown people.

Okay, you say that you know, they have said that they are willing to listen to us but they are not fucking listening. They are not even on this call to hear our grievances and our complaints. This is not

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1
2 the first time people have been speaking up against
3 police brutality. We don't want fucking police. We
4 don't want the NYPD. We are against them. We want
5 the NYPD to be defunded and then we want them to
6 eventually be dismantled. It is absolutely
7 unnecessary and disgusting that the NYPD budget is \$6
8 billion fucking. We want police who engage in
9 excessive force and misconduct to be fired and then
10 prosecuted.

11 The only thing the NYPD and the people who
12 support the NYPD are committed to is continuing to
13 uphold racist policies and assist in the uphold White
14 supremacist values, especially when you consider the
15 origins of police and policing in America, which
16 stems from slavery. The first police were slave
17 hunters. Several billion dollars need to be removed
18 from the budget because I do not approve, nor am
19 comfortable that my tax dollars continue to go to
20 criminals who are disguised as police officers.

21 And let me just say, and I want to direct this to
22 Benjamin Tucker that I don't give a damn about police
23 cars being on fire that are paid with my fucking tax
24 dollars. Okay, defund the police and get them out of
25 our schools and lastly, I would like address what

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Council Member Richards said to a previous caller. You know, I understand where she was coming from. I understand where you were coming from but you know, let's be honest here, okay, not all Black people in political positions are in it for the betterment of the Black community and Benjamin Tucker showed us that today. That you know, he is skin folk, he is not keen folk and I yield my fucking time.

COMMITTEE COUNSEL: Thank you for your testimony. I believe Jay Cologne is back. We will go to Jay Cologne followed by Ben Goldfarb.

SERGEANT AT ARMS: Starting time.

JAY COLOGNE: Hello. I want to keep this pretty short. Again, I want to echo the sentiments of other people who have been on this call. Where is the NYPD and the Mayor's Office? It's ridiculous they are not here. It's also ridiculous that we were forced to listen to them before we listened to any of our public testimonies.

For the Chairman who spoke earlier, I can appreciate your personal experience and the work you have done in the last two years but I find it disrespectful to blame constituents for not showing up. People have been asking for change since Amadou

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2 Diallo and well before that. What are you all doing
3 to raise visibility around these meetings? It should
4 be way more than 100 or 200 folks who are in here.
5 Who has five plus, what are we eight hours now, who
6 has eight hours to sit in one of these meetings.

7 The communities who are most effected are most
8 likely at work all of these hours. So, I would
9 pressure all of you to make these meetings much more
10 accessible. Plan this on a weekend and give much
11 more notice to the communities that you want to show
12 up instead of blaming us for not being here.

13 Now, the real reason I'm on here is to ask, why
14 the use of the so-called lethal weapons are not part
15 of the legislation whether that's mace or gas
16 canisters during a pandemic which is attacking
17 respiratory systems. The NYPD is using weapons that
18 cause permanent lung damage.

19 They are attacking people in highly vascular
20 areas, like the head causing bleeding, which is –
21 they were ripping masks off of protestors. Why
22 weren't the precincts prepared with PPE for all these
23 mass arrests. They had zip ties, they had all these
24 tanks, bikes, riot cops, but there were no masks, no
25 water, no supplies available. Why were they taking

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30 to 40 minutes for the first ambulances to show up on the scene? And I'm speaking to what happened at the Bronx.

The legislation that's being proposed here, I think is kind of ridiculous. This may have worked years ago. You guys are asking for the right to record. For more visibility on badges. This may have worked a few years ago, but I urge the New York City Council to follow the steps of the Minneapolis police, City Council, excuse me, in disbanding the NYPD that \$1 billion cut over four years is pretty ridiculous, it should be half that budget this year and continuing until it's completely disbanded.

That's all I have to say. I yield the rest of my time.

COMMITTEE COUNSEL: Thank you for your testimony. Next up will be Ben Goldfarb followed by Madison Gardner followed by Marika Plater.

SERGEANT AT ARMS: Starting time.

BEN GOLDFARB: Hi, my name is Ben Goldfarb. I am just here to report a very specific incident in which the police violated my rights and also which they used illegal force on two other people. This occurred June 1st at 12:15 a.m., so we were out on

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the night of May 31st and this occurred at June 1st.

There was no curfew in effect yet at that time, so it was Sunday night slash early Monday morning.

This occurred on 58th street between 5th and Madison Avenue right in front of the Apple store. We had been following; my girlfriend and I had been following a march that we picked up around 34th Street and Harold Square and it had run up to 57th Street and tried to go over by Trump Tower and was forced up town and then east by police. And we were ready to go home because the marchers had passed 10 minutes before and we were on our way home and we just noticed that a garbage can was on fire in front of the apple store and we stopped to take a picture of it.

The block was completely empty and quite other than two other people who were doing the exact same thing that we were doing, who happened to be a little closer to the garbage can. An African American and a woman that he was with and they were just taking picture of the garbage can, we were just talking. We stood there for 10 minutes. You know, there was no protests, there was nothing. There was nobody on the block, nothing was happening. Right as we were about

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2 to leave, we said good night. Ironically, said be
3 safe and just seconds later, police then came
4 screaming down the block in the opposite, you know,
5 going against traffic. Another unmarked police car
6 converged right on the spot where we were standing.

7 You know, it happened so fast, they just jumped
8 out of the car, yelled, get on the floor. Not at me
9 but at the two other people. Before they could even
10 move, they had already tackled them at least ten
11 cops, five cops each person without you know, without
12 saying anything about what they were supposedly doing
13 wrong.

14 Clearly, obviously, there was no weapons or
15 threat. They just tackled them to the ground and I
16 started yelling. They didn't do anything, they
17 didn't light this fire, we're just here taking
18 pictures.

19 The one police who was in a white shirt, turned
20 around looked at me, got up and started running
21 toward me with this baton out saying, also, I pulled
22 out my phone and I started to try to record and he
23 was running at me and he said, you got one second to
24 get out of here or you are next and you know, I
25 started backing away -

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1
2 SERGEANT AT ARMS: I started backing away slowly
3 and he just, you know, he came at more, so I just ran
4 off. I still don't know what happened to those two.
5 I really hope that they are okay and the only other
6 thing that I want to say is that Council Member
7 Holden was elected in 2017 and he is up for re-
8 election next year.

9 So, if anyone on this call in his district,
10 please run against him. Obviously, we all know there
11 is no place for his kind of attitude on the New York
12 City Council in 2020 or ever. And last thing is a
13 question for the Council Chair. A lot of people
14 brought up the fact that all the police
15 representatives who were on this call in the
16 beginning don't seem to be listening or are gone, at
17 least ten plus that I counted that are still on the
18 call but not there.

19 Is there any mechanism by which the
20 representative of police are going to be forced to
21 witness this testimony or will this testimony be
22 released to the press?

23 In other words, are we just preaching to the
24 choir here or our testimony going to do anything?

25 Thank you.

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COMMITTEE COUNSEL: We will now go to Sabrina Zurkuhlen.

BEN GOLDFARB: Answer my fucking question.

COMMITTEE COUNSEL: Sabrina Zurkuhlen followed by Helen Bolton followed by Anne Mattson.

SERGEANT AT ARMS: Starting time.

SABRINA ZURKUHLLEN: Hi you all. I have been going back and forth to be honest about what I wanted to share, as we all have been. We've been sitting for over five hours. I missed the last day of school of my students today because this shit is that important. And so, I have a sort of story to share and I also want to echo Ben's question. We're going to keep literally sharing the stories about police brutality and violence that's happened over this past week and that has been happening literally forever. What's the point of this if again, there is no accountability in terms of actually listening, actually sitting for this dialogue, having this conversation.

So, anyways, I really appreciate and want to thank everyone that stayed here for this whole time and shared your truths and your stories. And again, mine is not really unique but I did want to make sure

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I was on the record as it's clear that the NYPD intends to lie about the violence the police inflicted on peaceful protestors this past week, which is aligned with the normalized violence inherent in the organizations that Black and unmarginalized folks experience regularly.

NYPD turn your fucking cameras on. Sergeants get on the call. You've been off all fucking day. Shame on you.

I was by at least two New York City Police Officers last week on Tuesday June 2nd while I was walking backwards with my hands up at a peaceful protest on the west side high. At about 7:55, we saw a militarized unit of what looked like at least 100 officers start to march towards us. You could hear the officers saying hold, stay calm, they are not doing anything. The lack of control was tangible. To my right, I saw a group of both white shirt and blue shirt officers charge a group of peaceful demonstrators without any provocation, two to three officers literally per person beating everyone that they caught with their batons, fists, feet.

As I continued to walk backwards, an officer looked at me, pointed his baton at me and shouted,

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back the fuck up. The tension, anger, violence, coming from the approaching line was honestly nothing I have every experienced before and I genuinely feared for my life in that moment.

In a split second, the advancing officer charged at me forcefully knocked my phone out of my hands because I had the whole thing on video. Hit me on the chest first with his baton and then beat me in my arms and my upper body. I don't know how many officers attacked me as I was beaten by numerous batons and violently thrown to the ground by more than one man.

I ended up with one officer kneeling on my legs, one officer sitting on my back and neck, trying to cuff me and a white shirt officer yelling impossible requests in my face.

Finally, I heard the officer in white say to his men, okay, guys enough.

SERGEANT AT ARMS: Time expired.

SABRINA ZURKUHLLEN: And I was dragged to the side of the road. I asked if I could have my phone back and they said, yeah. Yeah, right that shits gone. I honestly that's half of the fucking night. That was like 20 minutes of a 7½ hour ordeal. It is just

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lies what we've been told in terms of the access to PPE, the regard for human life. Not only in terms of violence but literally in terms of the global fucking pandemic.

It is incredible to sit here and be lied to for hours and hours and hours. It is insulting. It is insulting. I cannot tell you as a nurse, how incredibly dangerous the Brooklyn detention was. How fucking false it was that any kind of PPE was provided. We were mocked at, laughed. Officers said, yeah right, COVID is fucking fake.

I can't tell you, the officers admitted to us how ridiculous the entire situation was. How they knew nothing. They kept saying over and over again, this is a shit show. They ran out of lockers to store their firearms so they unloaded in a public space and then piled their guns in the corner and then ushered everybody out of this packed cell into then a process that they knew nothing about. It was incredible.

Again, I can go on as we all can but it's insulting to sit here. Everybody here knows that. The problem is the people that don't got up and left and that's okay. So, again, I ask Ben's question, who is going to hear this? What is the

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accountability that we're going to actually get from you all?

COMMITTEE COUNSEL: Thank you for your testimony. We're going to go back to Chair Richards who is going to address that question.

CHAIRPERSON RICHARDS: Thank you so much and sorry to hear about your experience and sorry Ben, prior to you I was muted. I can't control my mute function and anyway, we did not get to you but I'm unmuted now and I just wanted to put out there that you know, we don't put – and to you as well, I am so sorry to hear of your experience, certainly. We don't have to depend on the NYPD. We're the City Council. You know, we have the power to legislate, we have a power to look at the budget and we can respond that way. Right, so I just want to put that out there. We don't have to get into tits for tats with them for not being here. We have the power to do something about it, so we don't have to – I do condemn them for not being here and listening, certainly. But my response would be through the budget and through legislative measures. And that's the way we hold them accountable and that's the way we'll continuously and continue to hold them

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accountable, even when they leave hearings. This is not the first time. But you know, we – you know, I can assure you, this Council will find a way to make sure that they understand that your voices are heard.

So, I don't want anybody here today to think that your voices are not being heard. I committed to being here all day. You know, I think we're going on hour eight. We're here because we're committed. I can't speak for the NYPD but you should write the Commissioner. You should say, why didn't your people stay for the Committee?

I don't work for the NYPD; I can't control the NYPD but I can legislate them. We can look at the budget, so that's what we'll do. so, I am sorry to hear of your experience and I know that those specific incidents never leave you, just like they never leave us.

You know that fear becomes rampant forever, you know, when you see a cop in your rearview mirror. That fear is there. So, we will use the power that we have and that's the way we will respond for them not being here as well.

COMMITTEE COUNSEL: Thank you Chair.

CHAIRPERSON RICHARDS: Thank you.

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COMMITTEE COUNSEL: Next up will be Helen Bolton followed by Anne Mattson followed by Sus Labowitz.

SERGEANT AT ARMS: Starting time.

HELEN BOLTON: Hello, my name is Helen Bolton and I live in Brooklyn and we're a nonprofit. In the past few weeks, I, and thousands of other New Yorkers have once again been in the streets engaging in nonviolent civil disobedience to protest the racist violence at the NYPD.

What I and other citizens have seen and experienced consistently at these protests is that the NYPD was engaging in a violent encounter protest and police riot of its own.

What we saw consistently through over the past couple weeks is that people engaging in their protected first amendment rights to criticize the police were beaten, kettled, and arrested in masked while other New Yorkers were permitted to continue going about their business that 8 p.m. as normal provided that they were White and didn't say anything to a cop.

On Friday May 29th, I, alongside thousands of other New Yorkers just engaging in not and violent civil disobedience. Marching down Classen Avenue

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2 when NYPD began abruptly attempting to drive a police
3 van through the crowd to break it up. An officer in
4 one of these vans, a class and equivalency rolled
5 down the window and sprayed the crowd
6 indiscriminately with pepper spray from inside. When
7 I failed to move out of the way of another of these
8 vans, an NYPD officer suddenly charged me, screamed
9 at me to fucking move and shoved me to the ground so
10 hard that my shoe came off. Neither he nor a single
11 one of the hundreds of other cops surrounding us
12 asked if I was okay which honestly thank God because
13 I wouldn't have wanted to be comforted by a cop then.
14 But neither of them criticized the officer which
15 shoved me either. The only people I saw who did
16 either of those things were my fellow protestors.

17 Unfortunately, none of the bills put forward
18 today gives me confidence that the Council will be
19 ending this violent terror any time soon. Look at
20 how this hearing has gone today. All of them
21 directly lied to your faces, four hours about things
22 that you have seen with your own eyes and when the
23 their turn was done, they stayed dialed into the
24 call, so it looked like they were listening to us but
25

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2 have clearly left as Council Member Menchaca has made
3 clear.

4 The people who would prefer to believe a
5 conspiracy theory that anarchies are traveling here
6 from California to attack the NYPD, rather than
7 except that the people of the city might have some
8 valid criticisms of their cops are not fringe actors.
9 I have now read the old segregation model that this
10 all just a bunch of outside – and the commissioner
11 and other leadership throughout the NYPD. Even if
12 they did want to help, the Mayor and NYPD leadership
13 have also now repeatedly announced to the city that
14 they have told their officers to wear masks when they
15 are in public several times.

16 Making it incredibly obvious that they have no
17 real control over rank cops. I'm in favor of
18 protecting citizens legal right to record the police
19 in public and am making police officers disciplinary
20 records public.

21 So, let's also not pretend that any of these
22 reforms will stop the police from being violent. We
23 are here today because the police do not follow any
24 of these rules. There is already an entire division
25 of the NYPD internal affairs, that exists just to

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police arrests of the NYPD. Violence is the tools that cops have violence is ultimately what they will always turn to.

We don't want you to make it harder for the NYPD to choke our neighbors by creating a new crime. Ultimately redefining a system in which law enforcement is still held up as the —

SERGEANT AT ARMS: Time expired.

HELEN BOLTON: And safety. We don't want you to tell cops that this time you really mean it. When we say defund the NYPD, we mean defund the NYPD. Slash their budget to zero, use the money to give communities things they really need like housing, healthcare, and education, not imagining friendlier cops or sending out agencies like ACS to also terrorize Black and Brown New Yorkers. We want you to defund and abolish the police and we mean it and I'm done with my time.

COMMITTEE COUNSEL: Thank you for your testimony. Next up will be Anne Mattson followed by Sus Labowitz followed by Alivia Levine.

SERGEANT AT ARMS: Starting time.

ANNE MATTSON: Hi, my name is Anne Mattson. My pronouns are she and her and I am a resident of

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Clinton Hill Brooklyn. I don't have anything more insightful or brilliant than the people who have come before me, particularly the Black and Brown folks who have spoken before me, so, so confidently and with just so much power. But I do want to discuss an incident that I witnessed outside of my house on the night of June 3rd at 10:30 p.m.

So, I was at home, I heard some chanting coming from down the block and I opened my window, so that I could chant along with the protestors. They began to turn right onto my block and suddenly some at the back of the block began running. It became quickly apparent that the police were chasing the protestors down the block, which has kind of a natural choke point to it. Once the protestors reached that point, the police started beating them with batons and arrested at least three of them very, very violently. There was a person on their fire escape who was heckling the police. Telling them that you know, they really should get out of the neighborhood, they should leave us alone. And one of the police officers said, come down here and see what happens to you bitch.

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I really want to echo what everyone else has said. When we say defund the NYPD, we mean defund the NYPD. We should not take Comptroller Stringers request for \$1 billion over four years. I think we should take \$1 billion or more now and I think that we should, CM should vote against any budget that does not significantly defund the NYPD.

That's all, I yield my time.

COMMITTEE COUNSEL: Thank you for your testimony. Next up will be Sus Labowitz followed by Olivia Levine followed by Jesse Rose Krebs.

SERGEANT AT ARMS: Starting time.

SUS LABOWITZ: Hey, I'll be quick. I think I had more energy earlier but it's been – thank you for everyone who has been speaking. It's been really awful to hear everyone's story and this has just been such an awful couple of weeks and you know 400 years.

I was also at the Bronx on 64, it was horrific, I have never seen anything like that before in my life. That is going to live with me for a really, really long time. Something I want to address is the fact that bike cops with their turtle shell uniforms, it specifically covers their badges and there is no accountability to those cops.

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2 If Chair Richards, if you want to do something
3 about this, make this illegal. People who are armed
4 and have armor against unarmed civilians doesn't make
5 any sense. It makes no sense whatsoever and we
6 should be going after Fox, Trek, Bell, for these
7 companies who are suppling these police officers with
8 these illegal armor. It's completely outrageous.
9 Those cops who I have seen them over and over and
10 over again. Every time they come out; they beat
11 civilians who have done nothing wrong.

12 There was no PPE in jail, there was no water,
13 there was no food. They laughed at us when we talked
14 about COVID. Everything everyone is saying is true.
15 I'm sorry, and then also to address the fact that
16 like as a trans person, the way that I was treated by
17 these officers, being called it. Like not being able
18 to self-select with where I wanted to go. It was
19 like, the fact that in New York you can have a third
20 gender options on your stupid ID but when it really
21 counts, like it doesn't fucking matter when you go
22 into a jail cell where you are not safe no matter
23 what.

24 The stories from my trans siblings today has been
25 so incredibly powerful, thank you to them. It's just

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horrific what's been happening. My family has been a victim of a serious violent crime and I am for the abolishment of the police and policing now.

I yield my time.

COMMITTEE COUNSEL: Thank you for your testimony. Next up will be Olivia Levine followed by Jesse Rose Krebs followed by Andrea Ferguson.

SERGEANT AT ARMS: Starting time.

OLIVIA LEVINE: Hi there, my name is Olivia Levine I am from Brooklyn New York. I just want to quickly speak to a specific experience I had on June 2nd. My girlfriend and I were part of a protest that moved from Bryant Park to Trump Tower where we were not allowed to go.

So, then we moved further up town and at about 92nd and Madison it was 8:15, the police started following us, then by 8:30, 8:40, so 30 minutes after curfew, they began picking people off one by one from the back of the crowd. The gentleman to the right of me was pulled by his backpack straps straight to the ground, the gentlemen to the left of me was pulled the ground and three cops started beating him.

So, the rest of us started kneeling peacefully and one kid was cornered and was rammed into at full

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1
2 force by a police officer and then beaten by three
3 others. One gentleman who tried to speak out against
4 this from happening, was then cornered by police
5 officers. Both of these gentleman were arrested,
6 beaten by at least three to four cops with batons and
7 walked away with their heads bleeding profusely.

8 My partner and I along with many other folks
9 remained kneeling and everyone was chanting peaceful
10 protests. In fact, the leaders, the whole time had
11 made it a point to tell us not to ever agitate the
12 police, so we didn't and finally the police closed in
13 on us as we were kneeling and started pushing us all
14 back and they pushed us basically over a spiked tree
15 grate and we were so closely packed together that
16 thankfully none of us fell flat onto the grate. But
17 all of us fell over the tree grate and we could have
18 been dangerously injured. Thankfully, we weren't.
19 Then, as my partner and I walked away, I yelled at
20 the police to put on masks, which as everyone has
21 said, less than 5 percent of them were and a cop in a
22 white shirt yelled at me that I was an asshole and
23 told me to shut the fuck up.

24 So, again, this instance of police being really
25 brutal towards people, yeah, I think one last thing I

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1
2 want to mention is that other protests and when I
3 watched the news later that night were allowed to
4 last until 10:30 but I think that because of the
5 location and the fact that there was so little press,
6 on this protest we were attacked at 8:30. And a
7 similar thing happed at Grand Army Plaza two days
8 later, when we got there because there was so much
9 press, the police allowed us to peacefully pass. And
10 then about 20 minutes later, they started attacking
11 people and arresting people.

12 So, I think this is also a matter of like when
13 press covers things, it seems like the police want us
14 to peacefully pass and then when there is no press,
15 like all bets are off.

16 So, thank you. I appreciate it. Thank you so
17 much to everyone else that spoke.

18 COMMITTEE COUNSEL: Thank you for your testimony.
19 Next up will be Jesse Rose Krebs followed by Andrea
20 Ferguson and Theodore .

21 SERGEANT AT ARMS: Starting time.

22 JESSE ROSE KREBS: Hi, first of all, fuck the
23 police. I just want to say, I'm a bartender. I de-
24 escalate every single fucking day. Like, huge fights
25 without violence. If grown ass police officers can't

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do that, they are fucking useless. The officer earlier in this hearing and so many Councilman know this, we were not given PPE when we were arrested. Not at all.

I actually had my mask removed by my arresting officer. We were not given sanitizer or anything, we were not even given soap to wash our hands at the cells. As for the peaceful protests, I will reiterate, peaceful protests. What is horrifying about all of this is that nothing in this is surprising. The cops behaved exactly as they have always been behaving. It is fucking shameful that it took a couple of white kids like me getting their asses kicked for so many people to start taking police brutality seriously, fucking shameful.

I could go on about happened. I've been bruised and bleed in the hands of police. Friends who I have that have been protesting have been bruised and bleed in the hands of the police. Black and Brown folks have been murdered at the hands of the police. I watched officers drag a young Black man down the street and beat him with batons for literally nothing. I have seen officers very literally target Black and Brown protestors to the point of simply

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pushing White protestors out of the way to further attack Black and Brown folks.

I have seen folks pepper sprayed and given no aid until they are told to simply stand there and blink it out while they were blinded, standing handcuffed. I've had multiple officers beat me with bicycles and batons. They've picked me up and thrown me on the pavement even when I was down, they continued to beat me.

I've had the same officers make rude comments about my body as I was being processed in jail. I have heard language of faggot and bitch used toward us while standing for hours waiting for processing. I saw my fellow protestors bleeding profusely from head wounds, body wounds, receiving no care. I've seen them utilize zip ties as torture devices. Tighten them so tight that several protestors almost passed out and the police refused to cut them off. There have been officers who have tried to brag White protestors into not publishing videos of them brutalizing Black and Brown bodies.

In all of these instances – the protestors were peaceful. We were placed in our society. Defunding is an excellent first step but let me make it very

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clear it is only the first step. The resources of this nation should be going to social work, de-escalators, Black and Brown organizers, healthcare, and mental health care.

I would like to finish off my statement by saying disarm, defund, and abolish the police.

Thank you.

COMMITTEE COUNSEL: Thank you. Next up will be Andrea Ferguson followed by Theodore Hanna followed by Eamon O'Connor.

SERGEANT AT ARMS: Starting time.

ANDREA FERGUSON: Hi, my name is Andrea Ferguson; I'm a resident of Brooklyn. I just want to repeat that it's ridiculous that the NYPD and the Mayor's Office refused to be here while so many of us have spent our entire day listening to what we already know is true. Like many others, I'd like to call out Council Member Holden for somehow defending the NYPD and trying to justify their brutality against us and denying that racism exists in the NYPD. I think that was shameful and hope that he is aware that we are all watching and he clearly doesn't speak for us. And any other Council Members who don't stand up on this issue are going to be called out and voted out.

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I originally submitted a written testimony about the brutality that I faced in multiple peaceful protests but after hearing all of the testimony today, I feel really lucky that worse wasn't done to me. Which is a terrible sign about the state of our public safety right now.

I'll just quickly echo I've been beaten on three different incidents when officers trapped us as peaceful protestors. I was attacked with batons and fists, they shoved me into the concrete, they pepper sprayed me for no reason, like so many others in this protest. I still have bruises and scars but I can't file a complaint because the cops hid their badge numbers knowing that they can evade accountability whenever they want to and it was being done from so many officers at once that I wouldn't even know who to complain about. I'd like to acknowledge that because I'm White and cisgender, I got off a lot easier than many other folks and my heart goes out to all of the people who are speaking today who have gone through so much worse and have been dealing with this system of brutality and hatred for so much longer than I have.

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1
2 I saw the police laughing and rolling their eyes
3 when we chanted Black lives matter. I saw them
4 specifically target Black and Brown people in the
5 crowds. When I asked one officer, why are you
6 hurting us, his answer was because I fucking can.

7 I heard the cops calling women bitch and stupid
8 fucking bitch. These officers are obviously not
9 equipped or motivated to handle all of these
10 situations that we put them in. And all they know
11 how to do is use force on us and we are the people
12 who pay their salaries and we're not going to put up
13 with it.

14 I think all of the testimony that we've heard
15 today and the fact that the NYPD lied to our faces
16 earlier and then refused to listen to our concerns is
17 just more evidence on top of all the other ones we
18 have, that this system is inherently corrupt and it's
19 racist and I hope that you Council Members will hold
20 them accountable by taking the first step to
21 dismantle the NYPD.

22 While I thank you for the bills introduced today,
23 I don't think they are going to make much difference
24 in public safety. If all those officers are allowed
25 to keep their jobs and these attitudes continue in

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the department, they already have rules and they are already supposed to hold themselves accountable and they don't.

So, we need to dismantle the entire NYPD system for any sort of real change to happen. I'm asking that every Council Member use your power –

SERGEANT AT ARMS: Time expired.

ANDREA FERGUSON: To vote no on any city budget that does not very significantly cut the budget of NYPD by at least \$1 billion this year and use those funds to support Black and Brown communities.

Thank you.

COMMITTEE COUNSEL: Thank you. Next up will be Eamon O'Connor followed by Tim Race.

SERGEANT AT ARMS: Starting time.

EAMON O'CONNOR: My name is Eamon O'Connor he, him and I am a White queer Brooklyn resident. To the Committee, I'll direct you to my written testimony and footage from just two nights of violence I was part of in Cadman Plaza in Williamsburg. In the meantime, I demand of you believe those of us on this call today who have witnessed violence and protests. Believe Black and Brown people who live in fear under the eye and fist and gun of the police, not just this

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past week but every day in this city and every other community across the country.

Be brave enough to defund and dismantle the NYPD and be bold enough to reimagine.

I yield my time.

COMMITTEE COUNSEL: Thank you for your testimony. Next up will be Tim Race followed by Uriel Shlush-Reyna followed by Michael Zurkuhlen.

SERGEANT AT ARMS: Starting time.

TIM RACE: Okay, thanks. Hey guys, I'm Tim Race. I'm going to keep it quick as well. This hearing is a farce. Eight hours and the most important half of it, we're only speaking to ourselves at this point. That's a fucking disgrace. Thank you to those who have testified with your stories. I wrote a whole thing but it's all redundant.

So, I just want to say, I'm the son of police and I think the police need to be defunded, dismantled. Protect and serve is a fantasy. I just want to quickly say that the Atlantic Terminal Target was not protected by police, it was protected by the protestors themselves and I was on a bike that cleared the traffic to the Manhattan Bridge incident and one specific thing I want to point out about it

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1
2 is that the police that spoke to the people that were
3 leading the group, told us over and over again, they
4 were going to let us through. It was psychological
5 and emotional abuse. It's absolutely fucking, it's
6 fucking ridiculous. I am so angry as all of us are.
7 I just want - here is my contact if any of you run
8 organizations that need a body, I have a car,
9 whatever if you need help with moving stuff. Yeah, I
10 think that's it. I yield my time.

11 Thank you.

12 COMMITTEE COUNSEL: Thank you for your testimony.
13 Next up will be Tim Race followed by Uriel Shlush-
14 Reyna. I'm sorry, next up will be Uriel Shlush-Reyna
15 followed by Michael Zurkuhlen followed by Daniel
16 Johnson.

17 URIEL SHLUSH-REYNA: Can you hear me?

18 SERGEANT AT ARMS: Starting time.

19 URIEL SHLUSH-REYNA: My name is Uriel Shlush-
20 Reyna. I am indigenous, I am Hispanic. First off,
21 I'd like to say how proud I am of everybody that's
22 been coming out and showing who we really are. And
23 I'd also like to say I'm appalled at the volatile
24 lies we witnessed today from the NYPD regarding the
25 lack of knowledge and unaccountability. I'm

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1
2 disgusted with their decision to not stick around and
3 hear us right now.

4 I'm here to testify what I witnessed and
5 experienced on June 4th in the Bronx. We were
6 marching, chanting together. We were trapped, we
7 were distracted so we couldn't see what was going on.
8 We were pushed. As soon as eight o'clock hit, batons
9 and shield started knocking us over from the front
10 and sides. We were knocked from the back, so we
11 would fall on top of each other while we were being
12 pepper sprayed. Trying to save each other while we
13 were being attacked. We were herded like lambs, no
14 where to go, even if we wanted to because we were
15 boxed in 15 minutes before curfew. We could not
16 leave. To the front to protect everyone. They
17 grabbed everyone. People were bleeding, beaten over
18 the heads for no reason. They laughed, fist bumping
19 each other, sticking their tongues out at each other.

20 We were peaceful. The NYPD is only proving us
21 right by continuing to respond to our pleas of
22 nonviolence with more violence. We are outraged and
23 we've had enough. You will not silence us. We will
24 see change. Black lives matter, Black trans lives
25 matter. They are trying to scare and intimidate us

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1 out of our rights and we won't let it happen anymore.
2 You must defund the police, demilitarize, dismantle,
3 \$1 billion is not enough. \$6 billion is a place to
4 start. Put it back into the communities.
5

6 Thank you. Also, I want to add, that when I
7 received all of my – my backpack with my medical
8 supplies and water, my rape whistle was taken off of
9 my keys. My rape whistle was taken from my keys. I
10 was given to that by my father when I was 16 years
11 old. That wasn't going anywhere.

12 Thank you. We have to protect each other because
13 the NYPD is not here to protect us.

14 COMMITTEE COUNSEL: Thank you for your testimony.
15 Next up will be Michael Zurkuhlen followed by Daniel
16 Johnson followed by Nadja Oerteit.

17 SERGEANT AT ARMS: Starting time.

18 MICHAEL ZURKUHLLEN: I just want to say you all
19 are the New York. You are New York. I was with
20 Sabrina who spoke before. I can confirm everything
21 she said. For the record, I want to state two things
22 very specifically, three things. I grabbed her phone
23 after she was tackled and it was intentionally ripped
24 out of my fingers while being detained. There were
25 no badge numbers visible and body cameras worn by the

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police who were charging us and everything everyone has said about PPE is accurate. There was none of it and no regard for public health.

I yield my time.

COMMITTEE COUNSEL: Thank you for your testimony. Next up will be Daniel Johnson followed by Nadja Oerteit followed by Andrea Sofia Parejo.

SERGEANT AT ARMS: Starting time.

DANIEL JOHNSON: Hello, can everyone hear me? Okay, I'm going to start off by addressing Holden who is ridiculous, you fucking boot licking sack of shit. The mad man who murdered Ramos and Liu had no affiliation with peaceful protestors or Black lives matter. To use your position of power to insinuate that people peacefully protesting and telling the truth about what the NYPD fucking did to them who result in people murdering cops is a sick fear tactic and is not going to silence people who just want to say what fucking happened to them. You piece of shit.

Also, how many of the NYPD and the Council Members have had their cameras turned off or left when citizens started testifying? We listened to your fucking lies and your political pontificating

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and we fucking listen to you, why don't you listen to us. The citizens that got brutalized and beat up by your fucking cops, you pieces of shit. Are you such spineless incompetent idiots that you won't even turn on a fucking webcam and listen to your constituents.

A lot has been said about the NYPD ridiculous actions of beating, attacking and brutally detaining peaceful protestors and their regular racist action in use of illegal maneuvers to murder or hurt New Yorkers regularly for years. I would like to use my time to also call out the NYPD's ridiculous treatment of national and local journalists who were fucking reporting on this story. We saw video after video after video of police arresting and beating journalists with their press passes clearly visible. The NYPD doesn't seem to give two shits about the first amendment right of the free media and they certainly don't give any shits about people's fucking first amendment right to peacefully assemble and speak truth of power. Do the police even know the fucking laws they are asked to enforce? These actions were an abusive of power and attack on the free press and the people that we supposedly value in our country and our fucking city.

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Even though local journalists are asked to cover the city while their staff and resources are depleted, I guess the NYPD and the Mayor think it's appropriate to beat and arrest and prevent them from doing their fucking jobs.

Without the hard work of our brave and local reporters and local news organizations, many corrupt, racist, and illegal actions by so-called fucking public servants would go unchecked and unreported. They do not deserve to be beaten and arrested for doing their fucking job and people don't deserve to be beaten and arrested for fucking using their first amendment fucking right.

What are you doing about this? Members of the Committee, what are you doing about this? NYPD representative, if you are still there, you've been on mute and haven't had your cameras on the whole fucking time. Why are you allowing your cops to attack journalists and peaceful protestors? Mayor de Blasio and Commissioner Shea, the two fucking cowards who didn't even show up to defend themselves are a disgrace and should resign immediately. And we're not even talking about Ramsey Orta who committed the crime of taking video of cops killing Eric Garner and

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then harassed him for fucking years. They put him in prison. For what? For what? For doing the right thing and telling people that the cops fucking killed an innocent man.

I yield my fucking time, go fuck yourselves.

COMMITTEE COUNSEL: Thank you for your testimony. next up will be Nadja Oerteit followed by sorry, one moment, followed by Andrea Sophia followed by john mouth.

SERGEANT AT ARMS: Starting time.

NADJA OERTEIT: I want to thank all of the folks who have testified. This is traumatic for everyone and I appreciate all of your voices and experiences. I just want to have my testimony on the record for a series of events that I witnessed and experienced.

On June 2nd, at 11:09 in Manhattan at the corner of Wanamaker and Broadway, a peaceful procession of protestors was making its way down Broadway. We had been attacked at the rear of the procession. 15 minutes earlier at 25th and Broadway where I was beaten by police officer took my hands up and holding my bike trying to walk and protect protestors walking in front of me. I witnessed them beat other protestors and pull them from the back of the

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1 procession unprovoked. They then attacked protestors
2 trying to record those arrests and get the names of
3 those who were arrested.
4

5 They hunted and tracked us to Wanamaker and
6 Broadway in gangs and in vans where the organizer of
7 the protest felt it was then safe to end the march,
8 so protestors could leave safely as we were near a
9 subway station. We were at the train station and as
10 the organizer told folks to go home, the police
11 descended literally on the protestors and started to
12 shove them to the ground, beat them with clubs and
13 arrest those attempting to go to the subway station.
14 Teenagers, young people, all peaceful protestors had
15 their hands up, were trying to leave and were
16 arrested.

17 An undercover cop filmed the arrests of two young
18 Latino girls and turned to us four White people and
19 laughed and told us that it would be good experience
20 for them and that they would meet their husbands in
21 there.

22 As I called a lawyer to report their arrests,
23 police beat me and threw a small woman I was with to
24 the ground and shoved and beat many other protestors
25 with clubs. This was while I was on the phone with

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1 legal assistance who heard and recorded the entire
2 incident.

3
4 I saw people bloody, bruised and shielding
5 themselves with their arms as police descended on
6 them with abandon. Taunting and screaming at them
7 unmarked or poorly marked Kevlar wearing bike cops
8 threw their bikes at us and other protestors. I
9 thought they were White nationalists because they had
10 no markings on them stating they were police or NYPD
11 and seemed to be working on their own accord.

12 I have bruises on my elbows and arms, torso and
13 legs from cops beating me as I was trying to leave
14 shielding myself and other protestors. My bike was
15 broken as it was ripped from my hands and thrown into
16 the street as I was stating that I was leaving. They
17 arrested anyone who was Brown or Black and left those
18 of us who were White aside.

19 They beat their batons on scaffolding threatening
20 and taunting protestors as they attempted to leave
21 the may lay.

22 I had witnessed this behavior by police on two
23 prior occasions before Tuesday June 2nd including
24 Friday May 29th at Barclays where police pepper
25 sprayed peaceful protestors and beat us for simply

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standing and protesting and on Saturday May 20th, in SoHo when police threw me to the ground and beat me for trying to film a violent arrest of an individual.

After June 2nd at every demonstration I attended, I observed NYPD beating protestors with batons, night sticks or Billy clubs until they were bloody, thrown to the ground or fled from the police.

In every instance, protestors had their hands up and were pleading to be allowed to leave. NYPD understands very clearly what their role is, to violently oppress. They enjoy this role. They know that prosecution is impossible.

SERGEANT AT ARMS: Time expired.

NADJA OERTEIT: So that reforms are lip service and thus they break laws with impunity. They enjoy what they do. It's your moral responsibility as Council Members to disarm, defund and abolish the police.

Thank you.

COMMITTEE COUNSEL: Thank you for your testimony. Next up will be Andrea Sofia Parejo followed by John Malf followed by David Moss.

SERGEANT AT ARMS: Starting time.

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ANDREA SOFIA PAREJO: What I witnessed was a militarized response to a peaceful protest. This was on June 1st around 8:30 p.m. before the 11:00 p.m. curfew in Midtown. The NYPD attempted a trojan horse strategy. Then a cop car then an ambulance and a cop car down towards the protestors and then driving through their own barricades. The protestors at this point were on the sidewalk and following the NYPD instructions. The officers still poured out onto the street and started charging at protestors while swinging their batons.

I got hit in the face with one baton, no instructions were given to me by the officer that hit me. This was 100 percent a premeditating tact. In terms of PPE, the only officer I saw using a face shield on this day was the one that pepper sprayed my husband and I for asking for the badge number of the assailant. We were standing at least six feet away from the sergeant on the scene. We tried to approach him and with my split lip and chipped tooth and he pepper sprayed us.

To the City Council Members, the NYPD who so charmingly walked away from this call, kept talking about strict liability and the banning of chokeholds

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1
2 during the arrest when in the same call, they have
3 stated that the Patrol Guide is just a list of
4 recommendations. We can no longer afford to
5 negotiate with this violent game. They are
6 mercenaries with a for profit prison industry. Not
7 only does the New York Penal Code already protect
8 police officers more than any other group, but the
9 procedure to hold police accountable is laughable at
10 best.

11 They have the audacity to ask the public to trust
12 them. That the officers are being accountable for
13 police brutality while actively deploying war-like
14 strategies. We must defund the police, as you have
15 consistently defunded public services.

16 I've worked in the human services sector of the
17 city and it is saddening to see that human services
18 are underfunded on the city's part. These
19 organizations that you have been neglecting for years
20 are the exact organizations that should be equipped
21 and are well equipped to handle a response to mental
22 health housing, family, and countless other social
23 emergencies that multiple testimonials have already
24 identified.
25

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And also, this is bullshit that the public hearing on police accountability, there is no one from the NYPD. They have been lying to us for hours that the NYPD were not the aggressors and this so-called democratic forum is a disgrace and yet, perfect example of what is going on in the United States. Chair Richards, multiple people asked what is going to come of our testimony, you suggested we write letters to the Commissioners. This is a joke.

Thank you, I yield my time.

COMMITTEE COUNSEL: Thank you. Next up will be John Malf followed by David Moss followed by Dan —

SERGEANT AT ARMS: Starting time.

JOHN MALF: Yeah, thank you. So, I've lived in this city for over ten years and I really chose to live here because we're supposed to be the leader of this country and today, I am so disgusted and embarrassed. I had to sit here and listen to the NYPD lie to us for over four hours today and they obviously don't care about this issue.

Some of the Council Members here including Council Member Holden, are on their side and that is just absolutely outrageous. As I watched the Minneapolis City Council Committee to dismantle their

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1
2 police department, we're just all simply asking these
3 Council Members here that we do so much more than pat
4 yourselves on the back for charging officers who
5 strangle people with misdemeanors.

6 First of all, I'd like to also thank and honor
7 the individuals who are sharing their traumatic
8 personal experiences with police brutality today. I
9 have been out there every single day with the other
10 protestors for the past ten days and have watched our
11 men – look the other ways as our militarized police
12 force mace and beat peaceful protestors, arrest
13 essential workers doing their job – alongside ICE
14 agents in our streets and make BS statements to us
15 today.

16 I myself – the PD this last week but I probably
17 was left alone because I am White and was with a
18 group of White people. It has become completely
19 clear that we need to defund our police force and
20 reallocate those resources to grossly underfunded
21 programs. Divest money from policing in schools and
22 instead invest in schools.

23 Divest money from police in NYCHA and instead
24 invest in NYCHA. Divest the money from police who
25

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are armed with assault weapons and invest in services for our homeless population.

Instead, we spent all morning talking about table stakes measures like banning chokeholds which won't do anything to solve the issue and then listen for hours while the NYPD lies to us. We must defund and disarm the NYPD and build a just society from the ground up.

I yield my time.

COMMITTEE COUNSEL: Thank you for your testimony. Next up will be Ricki Chapman followed by Jack Brumbl Norton, followed by Towaki Komatsu.

SERGEANT AT ARMS: Starting time.

DAVID MOSS: I believe you actually unmuted me but I just wanted to say, as was said earlier, you should really be taking the testimony of Black and Brown people first. So, I'm going to go ahead and you know, ask you to call on me later on once you've gotten that testimony from all of the people of color here and also, please get rid of this insulting timer.

Alright, I'll talk later.

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COMMITTEE COUNSEL: Okay, my apologies. We will now go to Ricki Chatman followed by Jack Bruml Norton followed by Towaki Komatsu followed by Aria Moller.

SERGEANT AT ARMS: Starting time.

JACK BRUML NORTON: This is me. Okay, alright, I didn't expect to be talking about this today but its been a full day of emptiness from the other side being City Council, being the NYPD. It's pretty horrifying to listen to a lot of it. I am extremely disappointed in the way that the webinar was conducted. This public discussion is supposed to be about the people who have been brutalized by police first and foremost. Instead, you all spent four hours and more asking self-fulfilling questions and getting no real answers and in fact lies.

The NYPD, the NYPD, should have taken our outcries and our experiences first before any City Council Member. They should have been forced to hear us. The fact that so many people already have been absent when introduced, I'm talking about the victims, absent went introduced, shows you that this platform order has failed.

We the people have the energy and the firsthand experience with these cops who have attacked us and I

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believe you did all of us a disservice by selfishly taking the platform first.

Even worse, you let the Deputy Commissioner leave the discussion right when the public was about to address them. How could you let that happen? We had to listen to that disgusting representation of a City Council Member name Robert Holden gaslight us. You gave him five minutes and gave us, the people, three minutes. Shame, shame, shame. Your proposals so far are anemic. If you Council Members really care, the first steps you should take is what we the people are saying you should do. I would out today and every day peacefully protesting if I did not have a concussion and told to stay home for at least ten days to two weeks by the ER doctor at the Brooklyn Hospital Center.

Deputy Commissioner Tucker was referring, this is much earlier in the first hour or two, Deputy Commissioner Tucker was referring to the death of George Floyd as a shooting. This just shows how apathetic the police are in general, let alone the Deputy Commissioner.

Amazingly, Commissioner Tucker topped that disgusting comment by saying, "it's too hot for them

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or that they can't breathe" when asked why the cops aren't wearing masks. Unbelievable, laughable, and disgusting.

Please City Council, take this advice to switch the platform to the public first and not you. Please do better next time. Let the people speak first.

SERGEANT AT ARMS: Time expired.

JACK BRUML NORTON: Force the cops to hear us, do not let them off. I came out here to discuss my experience with a cop throwing me into the ground headfirst, gushing blood from my head and then five minutes later being arrested.

But this is more important because I believe people have experienced so much more pain than I have and that is all I have to say.

COMMITTEE COUNSEL: Thank you for your testimony. Next up will be Towaki Komatsu followed by Arial Moller followed by Samantha G.

SERGEANT AT ARMS: Starting time.

TOWAKI KOMATSU: Okay, hi everyone. I am Towaki Komatsu, I have a federal lawsuit against the City that dates back to April 2018. I have testified repeatedly in City Council hearings. Donovan Richards is totally useless. So, with regards to all

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of the testimony that all of you have provided today, I'm going to feed that into my federal lawsuit to make sure that all of the testimony given today will actually mean something. I essentially have your back.

In case you guys want to get involved, the case number is 18CB3698. My email address, I'll say it slowly, [towaki komatsu@yahoo.com](mailto:towaki.komatsu@yahoo.com). In the case yesterday, fellow Judge Gabriel Gorenstein; he gave me an extension until July 20th to further amend my pleadings in the case. So, with regards to what all you guys have experienced over the last few weeks, if you want to join my lawsuit as co-plaintiffs against the city, against the NYPD, feel free. I would be glad to have you as part of the team.

With regards to the Mayor, he had a public hearing on March 18, 2019. I was illegally kicked out of that public hearing by a member of NYPD security detail. One of the defense in my case is head of security, Howard Redman, so Mr. Ades, there was a public hearing on November 18th, last year by Donovan Richards. By law, the video of that hearing was required to be on the internet three days afterwards. It took until January 7th of 2020 for it

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to be online. In violation of New York City Charter Session 1063.

So, I guess the message I have for all of you, is if you can do me a favor, I'm a Navy Veteran, make damn sure that Donovan Richards, he will never have another job in politics after I guess he leaves the City Council. Make damn sure he is not going to be the Queens Borough President. Also, make damn sure Richie Torres who kicked me out of the hearing on November 13th last year, make damn sure he loses his congressional race.

Again, my email address, anything you want, videos, pleadings whatever, my email address is towaki_komatsu@yahoo.com. Also, Corey Johnson, I testified to him on December 14th, 2017, twelve days afterwards I was illegally stopped and frisked near where I reside. I kicked the shit out of the NYPD mother fucker who stopped me on the streets. I exercise self-defense. For all of you who don't know it, self defense against the NYPD mob is legal. So, if a NYPD mother fucker touches you illegally, make damn sure it is going to be his last touch.

And, so, yeah, in case whatever I guess question you have just email me, I'll answer them fully,

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frankly. And with regards to the press, don't trust them. I've reported all these issues to the press, Laura Namios[SP?], Michael Garland, there were like 25.

SERGEANT AT ARMS: Time expired.

TOWAKI KOMATSU: There were 25 public forums, I was illegally kept out of that while I was whistle blower, while I had active litigation against the city. So, Donovan Richards, kiss my mother fucking ass.

That's it.

COMMITTEE COUNSEL: Thank you for your testimony. Next up will be Samantha G., Kristina Coles[SP?], Ziggy Leacock.

SERGEANT AT ARMS: Starting time.

SAMANTHA G.: Hi, first of all, I'd like to say that I'm going to take my sweet ass time because I actually have a diverse story. First of all, everyone who has spoken, especially people that have been physically injured. My heart is with you, that is unacceptable. That your live and your body was harmed, not okay. Alright, first of all, I owe no thank you to any of you in power right now. I'd also like to say, if you are a Council Member and I see

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1
2 you fucking smiling or yawning, I don't want to
3 fucking see it. Show some endurance, it's your job.
4 Like every other fucking citizen right now showing
5 some stamina and endurance. I've been here since
6 9:45 a.m., you don't think I have shit to do, you
7 don't think I have a life, it's your job. I should
8 fucking run for a Council Member and show you how
9 it's fucking done.

10 I'm a fucking Brown woman living in New York
11 City. I'm from Los Angeles, I've been here over ten
12 years. You don't fuck with people like us, okay.
13 You are so lucky; the NYPD is so lucky Brown and
14 Black bodies don't want revenge right now. You are
15 so lucky that we want justice, alright. Chair
16 Richards, it is your job to listen to us. It is your
17 job to let us speak first.

18 Today, we witnessed as a collective the voices of
19 blue bodies and voices still being the priority over
20 the fucking citizens of New York City and how dare
21 you give us two minutes. The majority of the people
22 here have been waiting four plus hours alright. Four
23 plus hours, and I witnessed the very definition of
24 white privilege. You know who I want to thank? I
25 want to thank Council Member Adams. The only Black

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1 woman who gave up her time because she knew that
2 there were hundreds of people here to speak their
3 truth and our time and our voice was more important
4 than any of you White people telling us oh, racism
5 exists. Yeah, it fucking exists. What repetitive
6 conversation have I been listening to? Unacceptable.
7

8 I was exhausted, I've been rewriting my testimony
9 over and over again and you know what, I'm fucking
10 fired up because I'm pissed off and it's not enough
11 to be angry. Apparently, it's not enough to be
12 passionate, it's not enough to cry for fucking help.
13 Do your job, do better, it's not that fucking hard,
14 alright. Here we go, I'm going to go with my
15 testimony.

16 On Saturday May 30th, Friday we saw at the
17 Barclay Center alright, what happened. We saw people
18 come together. The next day, Saturday, at 5 p.m.,
19 you want to tell me that the – you don't work for the
20 NYPD and you can't hold them accountable, I'm going
21 to give you some hard facts right now that you can
22 hold accountable.

23 5 p.m. on May 30th an NYPD helicopter used
24 military disperse type tactics on peaceful protestors
25 in the heart of Flatbush neighborhood Brooklyn.

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Specifically, off the streets of Tilden and Bedford, where the COVID testing site was being held in Sears parking lot. Our rally began around 1 p.m. closer to the entrance of Prospect Park where we stood for a few hours listening to speakers. I was among the crowd of hundreds of peaceful protesters and you know what, I'm sick of fucking saying we're peaceful. I'm sick of it. It should be implied that we've been peaceful.

SERGEANT AT ARMS: Time expired.

SAMANTHA G.: It should be implied that people are going out there. No, I'm not done yet. I'm not done with this story because this is important. This is about an actual fucking helicopter that used military things okay.

As one of this was the earlier protest taking place in Brooklyn, we did not have specific Black lives matter leaders leading the march. I believe the NYPD took advantage of the situation and strategically led us down towards Tilden and Bedford, where they quite literally heard and trapped us. Now, we've seen across the nation what this strategy is called, it's called kettling, alright. I've heard

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many other protestors here; many other people here speak about it.

The march attempted to move north of Bedford where we were being blocked by the NYPD. I then saw with my own eyes, officers wearing blue riot gear motioned to the marchers with their hands to turn south on Bedford next to the Sears parking lot COVID testing site.

Where again, there was no safe exit. The crowd began to fill in this space and put their hands up. Suddenly an NYPD helicopter that had been tailing the march began to come disturbingly close to the top of the crowd. We all assumed the helicopter was going to possibly land in the Sears parking lot. That's how close it was to the top of these protestors heads. Instead, it came right above the crowd, swooped down so low that the entire debris and trash from the ground came rushing up on us so quickly and violently, we had no idea what was happening. The helicopter then came down a second time and the crowd collectively ducked. Slowly protestors were able to leave the area back north on Bedford, as did the group I was with. When we witnessed an unidentifiable man with a purple backpack break a car

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1
2 window and run away. What ensued next will forever
3 fucking haunt me.

4 We left the crowd and suddenly we counted
5 anywhere between 20 and 30 cop cars both marked and
6 unmarked begin flying down Bedford toward the crowd.
7 We knew of protestors that were then sprayed and
8 arrested.

9 I'd like to persistently state that this crowd
10 was peaceful. But you know what, I'm just so fucking
11 sick of saying that we were peaceful and I will
12 repeat this, the NYPD is so lucky that people don't
13 want revenge because we are the better people. We
14 are— love is greater than hate but people are tired.
15 People are so fucking tired.

16 I'm not done. I've done my research on the very
17 fire and NYPD department codes. There are actual
18 protocols and permits needed for a helicopter to
19 actually land. So, please explain to me how
20 endangering a crowd is excusable. Please explain to
21 me how the pilot lost control and dove into hundreds
22 of protestors, how that would have been excusable and
23 not viewed as attempted murder or murder or worse,
24 fucking bodies everywhere dead, if that helicopter
25 had crashed on us. You don't deserve a thank you if

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you are complicit or have done nothing but support the NYPD lies.

We will vote you out and the people are stronger than hate. If you thought these protests were the storm, that's just a fucking drizzle darlings, the fucking storm is coming and we're not going to fucking stop. I'm not just here for the abolishment of the police, I want their fucking toys taken away from them.

Also, I've highlight, the fire department and police department, these are their own rules, may temporarily suspend or cancel the helicopter landing operation if conditions exist that endanger public safety. They are breaking their own God damn rules. You tell me how that makes sense. You make the change; I don't want to fucking hear excuses anymore because we're coming fucking after you.

I yield my fucking time.

COMMITTEE COUNSEL: Thank you for your testimony. Next up is Ziggy Leacock followed by Tevin Grant followed by Michael Nusbaum. Ziggy Leacock.

SERGEANT AT ARMS: Starting time.

ZIGGY LEACOCK: Hello, my name is Ziggy Leacock; I'm a lifelong resident of the South Bronx. I live

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1
2 in Mott Haven. I attended the action on the 4th of
3 June that happened last weekend. NYPD literally came
4 to that event to cause problems. The entire action
5 went through the community and highlighted everyone
6 that was actually providing support to the people in
7 the neighborhood. They tracked everyone 15 minutes
8 clear of 8:00 intentionally and then rained hell upon
9 them immediately at 8:00. Immediately, there was no
10 delay, it was entirely a set up. You had cops out
11 there beating people indiscriminately running up and
12 down the block calling people pussy's like they were
13 having a fight in high school. It's entirely
14 unacceptable and this is par for the course. I want
15 to know – there are no excuses for this, where it the
16 spine in the City Council. It's not a new issue for
17 New York City, this is not new.

18 Who does NYPD answer to? They can't even hold
19 themselves accountable. \$1 billion over four years
20 is laughable. \$1 billion today is decent, 50-A being
21 repealed is decent. We need to start clearing house
22 in that department. The CCRB actually needs teeth to
23 remove officers by themselves. The NYPD cannot be
24 trusted to investigate themselves and there is
25

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nothing else worth talking about for the rest of the evening.

Find your spines or we will elect people from our peer group to do the job for us. Because everyone that is currently in power is a joke. You guys are a joke. I have never seen a group of adults that didn't have any – my gosh you people are cowards. My God, de Blasio is a clown. You let Shea and the SBA and the police union get on TV in front of the public and lie about the things that happen and you expect people to trust you. Get out of here, that's a joke. That is a joke, but I'm glad that the peers that are my age are activated now and maybe we'll actually engage the system for real. Because the people who have been put before us to lead, clearly are unfit for the job and that's all that needs to be said.

COMMITTEE COUNSEL: Thank you very much. Next up will be Tevin Grant followed by Michael Nusbaum and Matthew Gehring.

SERGEANT AT ARMS: Starting time.

TEVIN GRANT: Hello, I would like to say again with Mr. Richard, Chair Richards, I'm surprised that you asked the people where they've been and why they aren't showing up for these hearings. If this is the

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1 way the hearings are conducted, we've been here since
2 10:00, people have to go to work. They have to feed
3 their families; they have to do other
4 responsibilities. We can't take this time out of our
5 lives and come up to these hearings when we're not
6 even being heard by the people we're trying to speak
7 to. I mean, it's disgraceful that the police walked
8 away but I'm not surprised. I've been in this fight
9 for electric school buses and the same thing happened
10 with the DOE, they walked out right after they made
11 their speech and we gave them money to get electric
12 school buses and they didn't deliver. Two years
13 later, you guys haven't passed the bill. Why do we
14 expect you to pass the bill now? I mean, these bills
15 are five years old, six years old, ten years old when
16 Garner was choked it was illegal to do chokeholds but
17 that didn't stop them. You passed the bill and it
18 got watered down and now we're passing the bill
19 again. Why should we believe that this bill is going
20 to make any difference? We need some real action.

22 We had a clear example of what the blue line
23 means in Buffalo. That incident in Buffalo where
24 that man got pushed down. One officer did try to
25 help him up and another officer told him stop him and

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1
2 they just walked over the man as he was bleeding on
3 the ground and they went for the cameras. They shut
4 the cameras down and moved the media out. And what
5 happened, the public statement was that he tripped
6 and fell and this has happened over and over. The
7 whole system protects the police. You've seen it
8 from the top down today. We heard all of the denials
9 about their wearing masks and the not corralling
10 people. We've heard this from Abner Louima, there
11 were self-inflicted wounds. Some people might not
12 know who he was but he was the guy that was assaulted
13 with a broom and while in police custody. But you
14 know when the first events came out you know, sorry -

15 We all know that this has been going on. This
16 has been going on when I was in high school. We had
17 Rodney King and people took to the streets and
18 nothing happened. And now again, we're taking to the
19 streets. What do we expect to happen? This is
20 known, I mean, the thing in Central Park with Ms.
21 Cooper, walking her dog. You know, she threatened to
22 call the police because she knew what was going to
23 happen. You guys know what is happening. You guys
24 have not done anything.

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1
2 The police say they are there to protect and
3 serve but they have been proven to people of color to
4 punish and enslave. That is their directive. Their
5 training is how to control situations, not how to
6 diffuse it. How many hours are they spending
7 learning tactics on how to take people down, how to
8 shoot people, how to restrain them, how to gas them?
9 Versus how many hours are they learning how to de-
10 escalate a situation. I bet it's like three hours
11 maybe.

12 SERGEANT AT ARMS: Time expired.

13 TEVIN GRANT: One meeting. There is no priority
14 on how to work with the people. Their priority is
15 how to stop the people, control the people and no one
16 holds them accountable. We're talking about the DA,
17 were talking about the Mayor, we're talking about
18 City Council, we're talking about everybody. The
19 whole system has been corrupted and we have to break
20 the blue line.

21 If you don't, nothing is going to change. We
22 need top down change.

23 Thank you.
24
25

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COMMITTEE COUNSEL: Thank you very much for your testimony. Next up will be Michael Nusbaum followed by Matthew Gehring followed by Johanna greasy.

SERGEANT AT ARMS: Starting time.

MICHAEL NUSBAUM: Hi, I'd like to go last please, if that's okay. I think there are other people that need to speak more than me that should go first.

COMMITTEE COUNSEL: That is fine we have another person who has requested to go last as well but we will move on.

Next up will be Matthew Gehring followed by Johanna Griesse followed by Jasmine S.

SERGEANT AT ARMS: Starting time.

MATTHEW GEHRING: Thank you. Thank you to everyone who shared their powerful testimony here today. This is to the Sergeants on this Zoom who still figured out a way to literally hide behind a badge.

I'm Matthew Gehring of District 7 in Manhattan. On Thursday June 4th, 2020, I was arrested while on my own property. Near 8:00 p.m. I was witness to six kettled protestors being confronted by nearly 60 police officers. As I stood on my front steps, I was told I was being arrested for being outside past

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1 curfew. Again, I was on the steps of my
2 cooperatively owned building. I was thrown over the
3 railing on my steps and was twice handcuffed even
4 though I did not resist arrest.
5

6 There is video of this arrest. I was detained in
7 a police van alongside my wife, who was told to deal
8 with it snowflake by here arresting officer. And a
9 delivery bike rider who is an essential worker
10 working at the time.

11 Not a single member of the police force was
12 wearing a mask. I was placed in a cell with 15 men
13 with no provided PPE upon entry. These are
14 unsanitary conditions. The NYPD lied to you. My
15 question to the NYPD is, who does this serve, who
16 does this protect? What I experienced was
17 insignificant compared to the racialized
18 dehumanization of people of color in this city
19 happening still today and yet, I was still demeaned
20 and abused on the hands of a legalized mafia who act
21 with impunity, also known as the NYPD.

22 Do not talk about looting and rioting when your
23 actions are the same as criminals. The only
24 difference is that you have military grade weapons
25 and a budget of \$6 billion.

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1 The Commissioner said earlier in testimony that
2 it is unsafe to cut \$1 billion off the budget. We
3 say that it is unsafe for you to continue to
4 brutalize communities through our city and we will
5 cut your budget until you stop. All we're saying is
6 stop killing our neighbors. In your response, the
7 NYPD's response is ah, you know that's asking a lot.

8 The police need to be defunded. I am privileged
9 and lucky. I am a White man who is not concerned for
10 my life and my police encounter. The same could not
11 be said about Eric Garner. It takes the NYPD five
12 years to get a state sanction killer named Daniel
13 Pantaleo off your payroll. What hope do we have that
14 you will reform yourself? You won't. The time for
15 adjustment and reform is over. The time for excuses
16 is over. The time for action is now. Defund the
17 NYPD please. De Blasio, you are a disappointment
18 moreover, a national embarrassment, please resign.

19 To reiterate my question, who do you serve? Who
20 do you protect? Because it sure as hell doesn't seem
21 like the people of New York City. If you are scared
22 to face those who you oppress right now at this very
23 meeting, might I suggest that you heed your own
24 advice and deal with it snowflake.
25

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I yield my time.

COMMITTEE COUNSEL: Thank you for your testimony.
Next up will be Johanna GRIESE followed by Jasmine S.
followed by Robert —

SERGEANT AT ARMS: Starting time.

JOHANNA GRIESE: Can you hear me?

COMMITTEE COUNSEL: Yes.

JOHANNA GRIESE: Well, hopefully you guys can
hear me. I'm out and about because I promised to go
to a protest as well and since this is taking all
damn day —

I would agree, I appreciate all the Council
Members being here but I would agree that it would be
great if the public could speak first next time.
Just to add, obviously I haven't endured anything as
horrible as — thank you for sharing your stories but
the most shocking to me and obviously it's because of
my [INAUDIBLE 4:58:33] in a way but is the cops
without the masks people mentioned but I have gone up
to cops, a few of them and said, you know, very
politely, why aren't you wearing masks? Is there a
reason for that and most ignored me. One snickered
and then said, we're also doing social distancing.
And I'm like, I'm over six feet away from you.

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Another said, I gave a mask to one of you. And I said, I have an extra, would you like it? No.

This same cop I found out was an off duty retired cop. So, I don't even know why the NYPD is just grabbing those people into this argument. My friend Laura Heywood asked the cops in the 10th precinct why they don't wear a mask. They said, they were over it. And I apologize, I'm not wearing a mask but I am at least six feet away from people and I am being very careful because I don't want to get anyone sick.

And basically, they said they are over it. They said as far as do you care about the protestors. They said no, and the main reason I got into these marching's. I was afraid to considering COVID was because of the fact that my friend told me she had to stay in between cops and people of color from beating them and that not, -it's got to stop already.

I don't know what else to say and I thank everybody for speaking and especially thank you to Carlos Menchaca for actually talking about Habeas Corpus that nobody seems to really care about much. It's very disturbing that it's been removed in this city. So, guys in the Council, please, please, please, keep on that because that's so important.

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Thank you. I yield my time.

COMMITTEE COUNSEL: Thank you for your testimony.

Next up will be Jasmine S. followed by Robert Chaney, followed by Allie Holloway.

SERGEANT AT ARMS: Starting time.

JASMINE S.: Hi there. I wish I had something more to contribute than my rage and frustration. Having to be on this call for over eight hours.

But unfortunately, I don't and unfortunately my story is not unique to anyone else's. Brutalized by the police while being peaceful, pepper sprayed, in jail in the most inhumane conditions. I think something that disturbed me most though are the psychological assault that protestors have to deal with both in the streets and while they are in jail. And what's really unfortunate is that these assaults come not only from officers who are White but they come from officers of color who stand by and allow these actions to happen. And I think that that could be something that's happening in the City Council right now with the fact that you can't stand up and do your job and protect people and defund the police in the way that you should be if you have also encountered these actions.

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1
2 Like, if you've gone through this in your own
3 life, I don't understand why you need to hear from
4 thousands of people year after year after year that
5 something needs to change. We've already talked
6 about a lack of empathy. It's your job to be
7 listening to us.

8 You shouldn't have to go through it in order to
9 make change. We need to abolish the police. You all
10 need to divest funds into the community where it
11 matters and you need to get your shit together.

12 That's all I have to say. Thank you.

13 COMMITTEE COUNSEL: Thank you and next up is
14 Jasmine S., followed by - I'm sorry, next up is
15 Robert Chaney followed by Allie Holloway followed by
16 Kathryn A. Parker.

17 SERGEANT AT ARMS: Starting time.

18 ROBERT CHANEY: I want to first thank and lift up
19 the fact that the trans and Black and Brown voices
20 that we've had so far. I think what's very, very,
21 very, very clear from all of the testimony that's
22 happened here is that Black and Brown and Trans
23 bodies are being targeted by the NYPD for extra
24 brutalization. I got brutalized too.
25

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1
2 On the night of June 4th, I was out with a group
3 of protestors in South Williamsburg. We got kettled
4 at Pen and Wyatt and then I got beat up and I had a
5 whole story about how I got beat up. But guess what,
6 I found out tonight, I got off easy. Right, I had
7 cuts and bruises all over my body, I got off easy.

8 What is distinctively clear, is that the NYPD
9 based on the eight hours of, sorry, six hours of
10 stories we've been hearing now, because the first two
11 or so hours were taken up by the NYPD who doesn't
12 want to hear a word about anything else afterwards.

13 We've been sitting here for six and a half hours
14 listening to these stories that told us the same
15 thing over and over again.

16 The way the NYPD, I think Nadja was the first one
17 to say this, the way the NYPD operates is very clear.
18 They are not here to protect the people of New York.
19 It's not what they are here for. They are here to
20 brutalize us when we stand up to say we want you to
21 be more accountable and that's all we've been - I
22 shouldn't say that's all we've - that's what people
23 have been asking.

24 We want to hold you guys accountable. Why isn't
25 the NYPD allowed to be held accountable when they

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1
2 brutalize people? And 50-A ain't shit. Great, we
3 got passed that. There is a billion other things we
4 got to do to make sure we can actually hold the -
5 sorry, there is not even a billion other things we
6 got to do, there is one thing.

7 Defund, disarm, and dismantle the police
8 apparatus as it operates today. It is not there to
9 protect and serve. It is there to batter and bruise
10 which is what this last six and a half hours has told
11 us. It is there to batter and bruise, particularly
12 the bodies of people who don't look like me.

13 Yeah, I got a little taste, but it was just a
14 taste. I was a White blip in a fucking ocean of dark
15 skin, bruises, blood, and death and that needs to
16 end.

17 I'm a teacher in Bushwick and it's a shame that
18 the NYPD isn't here anymore because really what I
19 wanted to do is I wanted to ask them these questions.
20 What do I tell them, my beautiful students, what do I
21 tell them when they ask me questions like, what is
22 going to happen to those officers who beat you up and
23 beat all the people, I'm going to be telling them
24 about.

25

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What is going to happen to those officers, they are going to get in trouble aren't they? What do I tell my students? When I have to tell them, no, they are not gonna. Nothing is going to happen to those officers, even though they brutalize people.

What's going to happen when I tell my students but mister, why do they always get away with this? What am I going to tell my students? Am I going to tell them oh, don't worry about it, City Council is working on it.

No, that's not what I'm going to tell them. What I am going to tell them is the hard truth of what this Council -

SERGEANT AT ARMS: Time expired.

ROBERT CHANEY: Charade has shown. And that hard truth is, the world they want and the world that they deserve, it doesn't exist yet. They are going to have to demand it.

Right, and it doesn't come easy. It's called a struggle because it's actually a struggle and all of us are coming to make sure that world exists.

I yield my time.

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COMMITTEE COUNSEL: Thank you. Next up will be Allie Holloway followed by Kathryn A. Parker followed by Marie Deluca.

SERGEANT AT ARMS: Time starts now.

ALLIE HOLLOWAY: I will make this quick. I was arrested June 3rd, in downtown Brooklyn at Cadman Plaza where the cops rush us while we were peacefully protesting. I was pushed down to the ground and I was beat, bruised, I have shoulder injuries. There is a nice mark there for where a baton hit straight on the shoulder. That was last Wednesday, so however many days and they are still there.

I didn't have an arresting officer because they handed me off to two other officers while I was handcuffed. I asked a white shirt why I was able to be arrested like that violently. He called me a bitch and shoved my face into the bus that I was about to get on.

While I was waiting on that bus, Charlie, the individual who testified earlier about a broken arm was brought onto our bus. And I can corroborate everything they said. The only reason why the paramedics showed up for 20 minutes asking around, is this the place with the person with the broken arm?

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1
2 Is this where we're supposed to be? Until Charlie
3 screamed constantly for, I don't know, 10 minutes
4 before anyone paid attention.

5 They wouldn't remove their handcuffs the entire
6 time. We could see the bone coming out of the skin.
7 And they said, they did not have the tool to get the
8 handcuffs off. The tool, which is a wire cutter.
9 It's not a tool.

10 I went through the rest of it like everybody
11 else, went through processing blah blah blah, but
12 then I was taken into an interrogation room and
13 interviewed and I wasn't told why I was selected to
14 be interviewed and they told me that everyone was
15 being interviewed but everyone else in my group of
16 people who got arrested, there was only one other
17 girl that got interviewed and she was another
18 individual who had a large bump on the outside of her
19 head because she was slammed down to the ground when
20 she got arrested.

21 So, I don't know if they were just interviewing
22 the people who outwardly looked like they were
23 injured the most but there was no explanation as to
24 why I was interrogated for an hour.
25

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That's all I have to say. This is a joke; we should have been able to speak first and we're not going to stop until this ends.

I yield my time.

COMMITTEE COUNSEL: Thank you for your testimony. Next up will be Kathryn A. Parker followed by Marie Deluca followed by Alex Payne.

Oh, I'm sorry, one moment, before me move on, I believe there is a Council Member – Council Member Ampy-Samuel would you like to ask questions?

COUNCIL MEMBER AMPRY-SAMUEL: Hi everyone. Again, as I stated hours ago, when it was time for me to ask a question that I stated then that I say what I say and there was no reason for me to continue, let the people speak.

But I do want to you know, just lend my voice. The young woman just mentioned the experience of the helicopters that came down and it kind of kicked up some emotions in me because I will never forget September of 1998 in Harlem being a young woman and protesting police brutality and we had the million youth march. And at the end of that peaceful protest, well again, we were protesting police brutality against young Black people in New York

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1
2 City. The cops decided under the order of Giuliani,
3 to harass us and then to attack us and this was in
4 September in Harlem of 1998 when the last speaker was
5 Khalid Muhammad. And the helicopters came in and it
6 felt like if you put your hand up, it would get
7 snatched off. And so, that was an experience like I
8 said in 1998 when I went and protested against police
9 brutality. Oh, I see you. I see you doctor; you was
10 there too.

11 And so, I just want to remind everyone that what
12 we've been experiencing over the past few weeks and
13 month is something that a lot of people have been
14 experiencing for decades. And so, I am thankful for
15 the voices that are lending to what we've been
16 screaming about for a very long time.

17 And lastly, with the police officer Vincent
18 D'Andraia who was charged today. The video of him
19 assaulting Dounya Zayer, that police officer that I
20 personally have had encounters with and have
21 complained against him to the Mayor and the Police
22 Commissioner and even as a Black educated elected
23 official in the New York City Council, even my voice
24 was pushed to the side. And it was not until
25 everybody decided to raise up and protest and really

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light a fire in this city and for the video that we all saw from last week, Friday, surfaced and went viral is when we are hearing answers. It is because of what we're going through.

And so, I just wanted to mention that because I don't want it to be lost that this is all of a sudden. You know I don't want it to be lost and I am thankful for everybody's voice and we got to continue to push. I am elated and I am excited because now, I feel like the voices who were not heard for the past decades are finally being heard.

And so, I thank you for your energy and let's continue this fight together because you do have some serious fighters on the Council.

So, thank you so much for the time and keep pushing and keep fighting and keep doing what you are doing.

COMMITTEE COUNSEL: Thank you Council Member. Next up will be Kathryn A. Parker followed by Marie Deluca followed by Alex Payne.

SERGEANT AT ARMS: Time starts now.

KATHRYN A. PARKER: Hi everyone. My name is Kat and I just wanted to relay two experiences and neither of them are anywhere near as what so many of

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1
2 you have been experiencing and recounted. And I just
3 – I am so grateful and thankful that everyone was so
4 brave to relay their experience and as painful as it
5 is, I think people need to hear. I mean, I still
6 believe people need to hear things that happened to
7 Black people 100 year ago, 200 years ago, 300 years
8 ago, 400 years ago. That's how long people have been
9 abused.

10 But basically, I wanted to make it very clear
11 that the protestors and the looters are not the same
12 people. I live in SoHo; I've lived here for 12
13 years. Last week, on Sunday night and Monday night,
14 I witnessed over ten hours of looting and I can say
15 definitively that these are not the same people.

16 So, that rhetoric I think is becoming tiresome.
17 It's used as a distraction as a way of intimidating
18 and I can tell you with my own eyes, I have
19 documentation that this is not the case. The other
20 thing that I wanted to relay was the witness of three
21 extremely young Black individuals who could not have
22 been more than 13 or 14 years old who are arrested at
23 8:10 p.m. the night of the 8:00 p.m. curfew when so
24 many others were out at the same time. They were not
25 given any opportunity to go home. They were zip tied

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1 immediately. The police officers who arrested them
2 were not wearing masks, where all these kids who had
3 skateboard with them were wearing masks.
4

5 I don't really have much more to say because I
6 feel like people have more important things to say
7 but I really am so deeply disturbed at a system that
8 would arrest who I observed as children when so many
9 other people were also out violating curfew. I don't
10 even understand or begin to understand the reason why
11 these kids were taken away.

12 And the way that it happened was also very
13 aggressive. This public hearing has basically just
14 supported every notion I have that the police are an
15 entity that is entirely out of control and exists to
16 terrorize those who are just trying to live and
17 exercise their constitutional rights. And the
18 military tactics used are I think disgusting and I
19 believe that we have to do everything in our power to
20 stay informed, to talk to each other, to continue to
21 share these experiences. Because I know that there
22 is a great amount of people out there in the world
23 who do not, are not paying attention and who believe
24 everything that is said to them.

25 Thank you.

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COMMITTEE COUNSEL: Thank you for your testimony.
Next up will be Marie Deluca followed by Alex Payne,
followed by Mads Shiver.

SERGEANT AT ARMS: Time starts now.

MARIE DELUCA: Hi, I would also like to be moved
to the back of the list, so other folks can speak
before me. Thank you.

COMMITTEE COUNSEL: Okay, next up will be Alex
Payne followed by Mads Shiver followed by Cici Mayer.

SERGEANT AT ARMS: Time starts now.

ALEX PAYNE: I'll do the same and move to the end
of the list.

COMMITTEE COUNSEL: Thank you to everyone who is
deferring to others. I should let you know that we
are getting relatively close to the end. So, we are
going to be coming back to you very soon. We
probably have about ten names left and pretty soon we
will ask - I will read the list of the names that are
remaining and ask anyone who we don't have on our
list to raise their hand but for now, the next person
up will be Mads Shiver, Cici Mayer followed by Nina
Jang.

SERGEANT AT ARMS: Time starts now.

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MADS SHIVER: You can also move me to the end of the list. Can you hear me?

COMMITTEE COUNSEL: Yes. Next up will be Cici Mayer.

SERGEANT AT ARMS: Time starts now.

CICI MAYER: Can you hear me? Hello? Yeah, okay great. My name is Crystal. Most of my testimony today is about my experience with the police before the recent national attacks from them. I have been experiencing harassment and abuse from White perpetrators in my neighborhood for the past four years. Calling the police for help during every attack has only added further to my anxiety and trauma to those already traumatic and frightening instances that still continue.

For context, the type of abuse and harassment I have experienced from my abusers have been but is not limited to being surveilled, stalked, accosted by multiple men at my buildings entrance, inside my building in the hallway, sexually harassed, had a feces left on my door, had my door jammed shut and rendered unusable, had my mail stolen. My trash gone through, had men yell at me in the streets and in my hallway. Doors banged on and kicked throughout the

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2 day and night. I've been called a spick, a whore, a
3 slut, threatened, told I was going to get what's
4 coming to me. Told I shouldn't feel safe in my
5 neighborhood etc., etc.

6 In response to my 911 calls, I've been asked by
7 multiple police officers what I was wearing and what
8 I did to insight this harassment, sexual harassment.
9 I've been denied incident reports against my
10 harassers because my testimony and the testimony of
11 my witness "were not credible evidence."

12 When I began recording the constant abuse and
13 complaining for officers, they told me that it didn't
14 count because they themselves did not witness any
15 crimes taking place. Keep in mind that they show up
16 anywhere between 45 minutes to six hours after I
17 called them for help and that's 911. Many times,
18 they don't show up at all.

19 I've interacted with probably 100 officers that
20 I've reported this harassment to in the last four
21 years. I'd say about 96 percent of them spoke down to
22 me, treated me like a criminal, condescended me,
23 didn't believe my witnesses and I and/or refused to
24 review my evidence.
25

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1
2 I once asked to speak to a higher ranking
3 officer. I was given that tip by a friend and a
4 lieutenant or sergeant came to my apartment, his name
5 was Lucas. After he arrived, he told me that if I
6 called 911 again for help, that I was going to be
7 arrested, and I have a witness to that.

8 When this was brought up to the Captain of my
9 local precinct, Captain Fahey, she told me that he
10 had already moved to a different precinct. All the
11 NYPD does is play musical chairs with their officers,
12 so that they continue working just somewhere else.

13 I met with Captain Fahey and she refused to admit
14 her many officers misconduct, reprimanded me for
15 recording my most recent attack and insinuated that I
16 was asking for continuous harassment from my abusers
17 because I chose to record them. And I only did that
18 because officers for the past four years have told me
19 that they don't witness anything and they can't do
20 anything about my harassment and my abuse.

21 SERGEANT AT ARMS: Time expired.

22 CICI MAYER: I'm sorry? Okay, to note, Captain
23 Fahey's father was in the NYPD. That nepotism and
24 lifelong conditioning renders her unfit to protect
25

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civilians from the misconduct of her police officers because of her conditioned bias.

The last time I called 911 for help, the police arrived and wrote an incident report for my White abusers against me that day, that night, it was 2 a.m.

A few days later, Captain Fahey at a community precinct meeting that I attended, she watched her Sergeant, Sergeant Frangoto[SP?] address me as my dear over and over again as he smugly smiled at me. Even after I specifically asked not to be addressed like that and spoken to in such a demeaning and inappropriate manner.

I'm a grown woman in my 30's. Can you imagine if you were a man and you were speaking to a police officer and he calls you my dear over and over again. Can you imagine, like that shit is crazy. And she just stood there and watched and then he walked her to her car.

That night, I was finally told I was going to be called by the 94th precinct in regards to what's been happening these past four years. That was March 4th, right before the pandemic hit. I have witnesses, photos, damage repair receipts, audio video, a data

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1
2 timeline, names, detailed testimony, a doctors note
3 to attest to emotional and physiological trauma.

4 I've done all the work, all the work for four
5 years. I have not received a single phone call or
6 email from the 94th Precinct since that day.

7 The NYPD should not be defunded, it should be
8 abolished. Abolished; a new and unaffiliated moral
9 civilian protection agency needs to be created and
10 led my locally elected civilian leaders that
11 investigate crimes transparently and expeditiously.

12 The NYPD is a gang. The brotherhood that was
13 formed is so deeply rooted in previous generations of
14 racism, sexism, homophobia, and that has instilled
15 immunity and corrupt loyalty to the brotherhood, not
16 civilians.

17 These unhinged power hungry people have been
18 mentally conditioned to protect each other at all
19 costs, even at the costs of innocent lives as we have
20 all seen.

21 A new citizen protection agency must have serious
22 restriction and regulations that make it nearly
23 impossible for nepotism to exist. Every single
24 member of the citizen protection agency should be
25 required to undergo psychiatric evaluations

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periodically. And sensitivity training in order to appropriately be able to professionally interact with victims of any kind of abuse, omen, people of color and the LGBTQ community.

Also, I did go to protest. I went to one of the first big ones at Barclay's just like so many people here. Everybody's right, nobody was wearing masks. I was in a group that was kettled and maced and all these horrible things that everybody's already said. I saw it with my own eyes. Police blatantly lied to all of us at the beginning of this meeting and it's unacceptable.

There is one more thing that I wanted to mention. Victims of violence, but especially sexual violence, we're supposed to go to the police to report these crimes. How are supposed to go up to these gangs and tell them that we need help and tell them the things that have happened to us knowing that like, I can't even say that someone sexually harassed me in my hallway verbally and not get a response like, what were you wearing to insight that type of comment? Like, what were you doing? Why did they say that to you? There must have been a reason.

I'm done.

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COMMITTEE COUNSEL: Thank you for your testimony.
Council Member Rosenthal would like to ask you a
question.

COUNCIL MEMBER ROSENTHAL: Oh, okay, thank you.
Crystal, your name comes up as Cici but you announced
yourself as Crystal Mayer, yeah?

CRYSTAL COLLORAN: It's Crystal Colloran[SP?].

COUNCIL MEMBER ROSENTHAL: Oh, sorry, your name
pops up weird. Thank you so much for your truth and
sharing what you said tonight. I've been hearing
about this, about the special victims division for
the last two years over and over and over again.

CRYSTAL COLLORAN: I'm sorry, I don't mean to cut
you off but what do you mean special victims?

COUNCIL MEMBER ROSENTHAL: Yeah, they have the
division within the NYPD that's responsible for
investigating sexual assaults.

CRYSTAL COLLORAN: I've never been in contact
with them. This is the regular police and Rosenthal;
I have been screaming at the top of my lungs from the
roof tops in my neighborhood about what's been going
on. I've contacted senators, I'm not just now coming
out with every single thing, this has been going on
since before the pandemic, since before all of this

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unrest, recent unrest I mean, this shit has been going on for a long time.

COUNCIL MEMBER ROSENTHAL: Yeah, thank you. Feel free to reach out to my office. I'm actually working with some organizations that are shining a spotlight on this issue and I'd love to follow up with you if you would like to follow up with me. You can reach me at helen@helenrosenthal.com but I hear your frustration.

CRYSTAL COLLORAN: Thank you.

COUNCIL MEMBER ROSENTHAL: Thank you Chair.

COMMITTEE COUNSEL: Thank you Council Member and thank you for your testimony.

Next up will be Nina Jang followed by Caitlin O'Connell and Chantel Johnson.

SERGEANT AT ARMS: Time starts now.

NINA JANG: Hello everybody. Can we hear? Alright, all I have to say is I stand by everybody and there are so many ways to show up, so I am on my way to a protest. This took way too long, again people first, right. So, hopefully there is improvement for the next meeting. But that's all I have to say. I'm going to yield my time because

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there is plenty of people that need to talk, so thank you.

COMMITTEE COUNSEL: Thank you. Caitlin O'Connell followed by Chantel Johnson followed by Ben Wolfson.

SERGEANT AT ARMS: Time starts now.

CAITLIN O'CONNELL: Hello Chair Richards, Council Members and thank you for the opportunity to speak. My name is Caitlin O'Connell and I live on Delancey Street in the lower east side. I would like to speak about an arrest that was made in front of my apartment one week prior to the death of George Floyd, before these protests.

This incident shows that the New York Police Department does not prioritize restraint and lacks formal procedures for effectuating an arrest.

Hearing commotion and looking out my window I saw a Black man on my sidewalk standing perfectly still with his arms at his side as ten officers surrounded him. He had been tasered. I could see the thread from the taser twirling off of his chest. He did not appear armed; he did not appear to be resisting arrest. He was not running away; he was not moving. He seemed scared, frozen in place with his arms at his sides. He said, why did you taser me several

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times. To my view from above, a single officer could have easily handcuffed him to effectuate an arrest.

Given the rampant COVID-19 pandemic, that would have been safer from a health perspective and appropriate from a force and police resource perspective. Instead, I saw at least 10 officer descend upon this organized scrum pulling him immediately to the ground, jumping on him and each other and hitting him repeatedly.

One officer joined the scene swinging a baton, trying to hit the man but from my vantage point accidentally hit fellow officers. The officers repeatedly shouted, stop resisting. And to my view, as an excuse for the use of excessive force, the man was in no way resisting.

They pushed a riot shield into the huddle briefly before discarding it to the side as clearly unnecessary. They did not all keep masks secured over their noses and mouths. It was humiliating for the man and it was inappropriate for both him and the multiple officers in light of social distancing recommendations. Bystanders on the street shouted that the number of officers on this man was excessive. In the end, the man was taken away, not

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in a police car but in an ambulance on a gurney. It seems that there is little if any protocol to nonviolently effectuate an arrest.

After the 2014 death of Eric Garner, police conduct has not changed. We are still have this conversation. The officers did not shout, we are arresting you or put your hands together for handcuffs. They simply jumped on him like an animal and it was wrong.

SERGEANT AT ARMS: Times expired.

CAITIN O'CONNELL: Thank you for the opportunity to speak and I hope the City Council will work hard to memorialize this progress.

COMMITTEE COUNSEL: Thank you for your testimony. Next up will be Chantel Johnson followed by Ben Wolfson followed by Shara Ticku.

SERGEANT AT ARMS: Time starts now.

CHANTEL JOHNSON: Good afternoon everyone. My name is Chantel Johnson. I am from the South Bronx. I am an educator in the South Bronx. I was raised in the South Bronx and I live here in the South Bronx. Thank you to everyone who is still here. I see that we are down to 89 people that are here.

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I have been here since 10 a.m.... Obviously, I have missed a school day just to be here. I am very disappointed and I have so much anger and so much hurt inside that it's hard for me right now to get the words out.

I went peacefully protesting on Thursday on 149th Street and 3rd Avenue where I saw police officers on top of buildings with snipers as I walked to 3rd Avenue, police were already guarding the train stations. It was a peaceful protest from beginning to end. We were trapped on 136th street and Brooke Avenue, before the 8:00 curfew, where I saw police officers that looked just like me. I saw police officers that I walk past every morning on my way to work. I walk to work. I saw police officers there that I see in the deli getting breakfast with me, getting lunch with me. I saw police officers that have came to my school for career day to speak to our children. I was out there on Thursday speaking for our children, Brown, and Black children.

So, I'm pretty sure some of my students saw me. I'm pretty sure some of those families have saw me. They look to me for support. Who do I look for to support me? I have a three year old. I stayed on

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1
2 this call since 10 a.m. I have a three year old and
3 I've been here. It broke my heart. I yelled, I
4 screamed, begging for help. I looked into the eyes
5 of those officers. I will never forget the officer
6 that took his baton and busts me in my face. I had a
7 split lip. I will never forget his face.

8 I had tears in my eyes as I saw those police
9 officers that I see daily. I had to hold a Black man
10 as he took his beatings. Every time he got hit, I
11 felt his hits. Every single hit I felt. I saw
12 people putting their arms up and every time they put
13 their arms up, their arms were bent. I heard bones
14 crack. I saw people getting their heads bashed in.
15 Police officers jumping over parked cars.

16 We had nowhere to go, we were trapped. Nowhere
17 to go and it breaks my heart that I have to sit here
18 today and speak on this. That I have to defend
19 myself and that I have to scream why my life matters.
20 Why my children life matters, why my student life
21 matters.

22 SERGEANT AT ARMS: Time expired.

23 CHANTEL JOHNSON: And I have so much more to say,
24 but now it's not even enough time for me to say it.
25 I had to correct the Daily News. They quoted me and

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1
2 I have to correct them on it. June 5th, they were
3 trying to say that we broke curfew purposely and that
4 was why we got hit. That was injustice. We were
5 treated like animals. Why do I have to scream that
6 my life matters? We've been screaming before this
7 protest.

8 So, thank you to the individuals that are you
9 know now jumping on the band wagon and you are now
10 protesting with us. I appreciate you but we've been
11 doing this long before. I've been a little girl
12 doing this. Hanging outside doing this. I was
13 actually in the process of becoming NYPD. I went to
14 school for criminal justice and forensic psychology.
15 I was in the process for becoming a US Marshal. I
16 would never, after what I experienced. I would
17 never.

18 And I'm just getting started and I am a Black
19 woman, I am a Black girl and you guys are going to
20 hear my voice until the end. I am now just getting
21 started. So, you need to remember my face and
22 remember my name, because this will not be the last
23 time you will be hearing from me.

24 And that's all I have to say.
25

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COMMITTEE COUNSEL: Thank you for your testimony and we'll go to the Chair. Chair Richards.

CHAIRPERSON RICHARDS: Thank you Chantel for your story and you know, we share a very similar story, very similar struggle. You know, it's easy for people to think that you know, as a 37 year old Black man that you know, we were spoon fed and you know, we came up with privilege but we came up in the neighborhood. And you know, you have a three year old, I have a four year old young Black boy that I'm raising and you know, even at four years old, he has a fear to police already.

You know, I mean, that's the society we live in and it's unfortunate that we both have to — all of us have to fight to say that our lives matter every day. Because we know that whether you are elected, whether you are a teacher, if you're Black, you are targeted. You are not exempt because you have a title.

I just want to thank you for sharing your story and I want to tell you to keep fighting on. You are totally correct. They should not forget your face; they should not forget your story.

You know, one of the things that inspired me to get involved at 18 years old at the Council was a

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1
2 police incident. I had a friend who got murdered,
3 but right after my friend got murdered, there was an
4 incident very similar at a barbeque where the police
5 came around the corner and the knocked peoples phones
6 out of their hands and they locked them up for
7 recording them. You know this is not new to us and I
8 appreciate everybody who has now felt the pain we
9 felt over the course of the last few weeks but this
10 is a lifetime struggle for folks in our community.

11 And don't get it twisted that we're exempt from
12 it being elected because guess what if I go outside
13 right now and get in my car. I've been pulled over
14 as an elected official. I mean, we're not exempt
15 from it. So, we really appreciate everybody coming
16 out and speaking but I want to speak to you Ms.
17 Chantel for a second and just say, we got a lot of
18 work to do but you know what, I think this is a very
19 unique time in our history where the coalition is so
20 much broader and where it seems like, you know, I
21 could have a 100 people on a Zoom call, which would
22 be unheard of. Even if we had a hearing at City Hall
23 on this, if this would have been last year, we maybe
24 would have had 30 people here.

25

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So, this is a really unique time and we got to keep marching on. We got to keep fighting. And I just appreciate this story, it really struck a nerve with me because you know, we're raising kids in these communities and we're not exempt from them. So, I want to thank you and I guess the best we can do is keep on. I mean, I got to legislate and keep pushing. You know there is no -- you know folks on this line think there is just this magic wand where you destroy a system. Systems weren't built overnight, right. There is 400 years of a system for us, right. We've been in captivity for 400 years. So, we got to keep knocking this system down but I just want to say, thank you for your story. Thank you so much for sharing it and I want you to know, you are not in this alone and if you ever need to reach out to me, my office number, if you have a pen or we could put it in the chat. I don't know, I'm not sure we have a chat box but my office number is a 718 number 527-4356 and if you know who that officer is you can certainly get me that information or which precinct it was and I certainly will take a close look into as well.

25

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1
2 So, please, and that's for anybody on the line.
3 You know, if you know who, if you have a badge
4 number, if you have a picture, if you are afraid,
5 please don't hesitate to reach out to us.

6 And I know that they covered their badges, I
7 know, that's not a new story. I just want to say
8 this to folks. You know, some folks have just
9 experienced this. We've been experiencing this for a
10 long time, so we definitely understand the game of
11 them hiding their badge numbers. But if you know the
12 location you were in and the place, that can be
13 helpful sort of in us also trying to track down who
14 ever the perpetrator was. So, I just want to put
15 that out there. Sorry, Chantel.

16 CHANTEL JOHNSON: Can you repeat the number
17 please?

18 CHAIRPERSON RICHARDS: My number is a 718 number.
19 527-4356 and take my email as well. My email is
20 drichards@council.nyc.gov and that's for anybody on
21 this line who may have encountered an incident and is
22 afraid to go and that's my job, right. That's what
23 we do on a daily basis, right. So, please don't
24 hesitate to reach out to us and also the Civilian
25 Complaint Review Board is working very hard actually

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1
2 to – the Chair is texting me while we are on the
3 line, while we’re doing this call. So, we’re trying
4 to get them and enhance more resources for them to be
5 able to investigate more of these incidents.

6 So, please make sure you file those complaints
7 with CCRB as well. Alright, that’s to everybody on
8 the line. If you’ve encountered and you haven’t
9 reported, even if you don’t remember everything,
10 please file a complaint, alright.

11 CHANTEL JOHNSON: Thank you.

12 CHAIRPERSON RICHARDS: Thank you so much. Thank
13 you for your story.

14 COMMITTEE COUNSEL: Thank you Chair. Thank you,
15 Ms. Johnson. Next up will be Ben Wolfson, Shara
16 Ticku, Alexander Langadakis.

17 SERGEANT AT ARMS: Time starts now.

18 BEN WOLFSON: Hi, so one of like many Ludacris
19 lies that the Deputy Commissioner told during his
20 remarks was, they give like even remote shit about
21 the badge numbers. If that were remotely true, then
22 the fact that Shea sent a Tweet like six or seven
23 weeks ago basically bragging about officers covering
24 their badge numbers. You know, people would maybe
25

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1
2 have asked him to resign because that seems like he
3 shouldn't be actively promoting, right.

4 If that were true, I wouldn't have seen like
5 basically 90, 95 percent of the cops I've seen in the
6 past week and a half cover their badge numbers and
7 the remaining cops obviously did not care.

8 And I just want to make a point about the
9 potential legislation to introduce the right to sue.
10 If you ask to see a cops badge number and they do not
11 reveal it, right. This basically require a
12 confrontation with the cops, right. I have to go up
13 to someone who is obviously already breaking a law,
14 right. I wouldn't be asking if he were not publicly
15 breaking a law and ask him to you know, with my phone
16 right and be like, hey can you show me your badge
17 number? Like, I have to assume that if he has
18 already covered it up, like he is willing to break
19 more laws, right. He's going to like; I'm going to
20 be subject to physical harm. I'm going to be subject
21 to false arrest. I'm going to be subject if I
22 actually do sue and like my name is revealed to
23 targeted harassment, I am going to subject to
24 property damage. And like, when we asked the actual
25 cops, right to enforce rules and in so doing,

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1
2 potentially you know, risk physical harm, we also
3 give them very broad latitude to employ force right.

4 If it's going to be the job of the citizens to
5 enforce the fucking like police rules against the
6 police, the lawless police, stands to reason that
7 citizens should be allowed to use force against the
8 police right. Same kind of logic and if that seems
9 like a bad idea because it would obviously like lead
10 no where good. Maybe the whole approach is a bad
11 idea and maybe like the entire corrupt organization
12 should just be destroyed root and branch, start over
13 something else, like, there is no point in like
14 trying to get the public to police the police when
15 the police have all the power and have no interest in
16 doing it themselves.

17 That's all I have to say.

18 COMMITTEE COUNSEL: Thank you Mr. Wolfson. Next
19 up will be Shara Ticku followed by Alexander
20 Langadakis.

21 SERGEANT AT ARMS: Time starts now.

22 SHARA TICKU: Hi, thank you to everyone holding
23 on at the tenth hour and thank you for your courage
24 and sharing your testimony today.
25

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I'm so sorry for the brutality you have suffered at the hands of our own government. My name is Shara Ticku and I am the Founder of C16 Biosciences, a company focused on stopping climate change. I've lived in New York City for the past ten years and I have never been more ashamed to be a resident of this city.

While most of the testimony today has been focused on the violence of police against protestors over the last couple of weeks, police violence within the New York Police Department is systematic and has been around of course for many years in many forms.

I want to talk about an incident less than a year ago that I witnessed. Last year, I was visiting my tailor on Stanton Street in the lower east side, when I witnessed just three feet in front of me the unjustified use of police violence against a young man named Ronald.

I was in the tailor waiting for a measurement. Outside, we saw a woman who had been stabbed. The woman, it turned out, was a neighbor to the tailor. She and her husband had lived upstairs for 42 years. She had been stabbed in an act of domestic violence just moments before. Because she was friend and

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neighbor to the tailor, they quickly brought her inside to rest while we called an ambulance. The ambulance arrived in addition to five to six police crammed into the tiny shop. They certainly took their time attending to the woman who was bleeding extraordinarily from her gut.

While they were delaying, the woman's son, Ronald, ran into the store to tend to his mother. Without a beat, the police immediately antagonized him. They threw him against the wall and they tased him. Then, without any valid reason, they cuffed him and took him into the 7th precinct where he spent the night in jail.

Over 100 people watched this happen through the window of the tailor shop and they screamed for it to stop. I was still inside the tiny shop, and so, I caught it all on camera. The evidence is attached to my written statement. You can see the taser in the White cops hand. After this happened, I looked everywhere to find a way to report this gross abuse of power, but everywhere I looked was a dead end because nobody polices the police.

I went by the precinct that night to check on Ronald, but the cops told me that he was hysteric and

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1 refused visitors. Even today, when I thought I would
2 have a platform to talk about this issue, the NYPD is
3 not present. The Mayor's Office is not present and
4 only three Council Members still have their cameras
5 on.
6

7 Why do we allow police to antagonize young men
8 and women of color without reason?

9 Why do we allow them to use violence and force?
10 Why do we allow them to arrest people without
11 probable cause? Why do we waste money as these poor
12 souls sit in jail? Why aren't police held
13 accountable? Why are police militarized? Why
14 doesn't anybody police the police?

15 SERGEANT AT ARMS: Time expired.

16 SHARA TICKU: In addition to some of the measures
17 proposed by Council men and women today, I demand the
18 following: Join forces with national congressman and
19 women to end qualified immunity and to raise up civil
20 plaintiff's whose rights have been violated.
21 Establish independent review of NYPD involved deaths
22 and NYPD violent cases through the creation of blue
23 ribbon commissions, civilian review boards, and
24 civilian auditors.
25

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I suggest we reallocate resources from the NYPD to the Civilian Review Boards and auditors to ensure they can successfully carry out their mission and drive reform. Make racial justice a core component of NYPD training and education. Change the laws regarding the distribution of military equipment to law enforcement agencies, specifically the NYPD.

Police brutality has a cost that is paid in lives and it has a cost that is paid in dollars, mostly born by taxpayers, many of whom have been sitting here for ten hours waiting to tell their stories. Neither cost is small and neither cost is justified. Let's make police brutality financially unsustainable, so that they cannot abuse or kill our Black and Brown neighbors anymore.

Thank you.

COMMITTEE COUNSEL: Thank you for your testimony. Next up will be Alexandre Langadakis followed by the individuals who deferred their testimony to the end.

SERGEANT AT ARMS: Time starts now.

ALEXANDRE LANGADAKIS: Hello, district 26 constituent here. INT 5362018 ban on chokeholds was prior on February 14, 2018 unanimously. What's different today? Whether it's vetoed, I'm not 100

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percent sure, I apologize. What action happened between then and two weeks ago to undo its veto or work on it. Despite its passing, here we are today over two years in the future and what has changed?

What hasn't changed is the police's inability to self-regulate, no improvement of public safety that I've seen has come from the police investigating from wrongdoing and finding it has done no wrong.

It has come from City Council hearings and complaints of the public and protests. We have a militarized psyched up police force ready to use force as a means of de-escalation and force as a de-escalation method does not serve public safety.

We have for years seen a pattern of self-regulation and transferring the problem officers around instead of firing that have led someone like Ed Mullins, president of the SBA telling fellow sergeants that the will win this war in New York City and that they work for a higher authority.

I don't want to see someone liking discipline. I want to see that kind of attitude lead to a discharge. The police work for us, they are public servants meant to serve us, not beat us, not to be better than us in any fashion. They need to have

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humility and respect for the people they have sworn to protect and serve that any social worker does. I do not trust anybody to self-regulate and I do not trust any real change will come from these administrative codes and these acts will occur again and we will fight tooth, nail and eyebrow to make sure that the officer is immune in some creative interpretation of the law who will justify the actions citing the officers safety.

I would rather see settlements for the police misbehavior come out of pensions or salaries instead of the taxpayers. I do not want to see the police force get a slap on the wrist for the history of a pattern of aggression being above the law they are sworn to protect and abide by.

Public servants need to be held to a strict interpretation of the law, not looser. What good did the NYT Fair Dodging initiative do? Why did we not spend all that police salary and overtime when they provide social programs that were so disproportionately impacted by the program. How much serving of the community in taking it's funding away and putting into arresting them do? How much more hate for the police did this program create? Both

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1
2 victims and perpetrators of this initiative are
3 poisoned against each other. Causing the poor people
4 that are suffering from this initiative to hate the
5 police and the police so in turn view the people, the
6 poor people that they are administrating this
7 initiative against to start disliking them because
8 they are criminals and thugs.

9 When we approve such an inherently racists and
10 class initiative, these are the consequences we get
11 but they raise numbers. Look how much more crime it
12 is. Look how much more arrests we have. It seems
13 like more adjusting is – funding is justified.

14 I'm going to wait 10 seconds for him to tell me
15 my time is up, one second.

16 SERGEANT AT ARM: Time expired.

17 ALEXANDRE LANGADAKIS: The police's job has been
18 gaming the system, the statistic. Finding work for
19 themselves to do to justify their pay plus overtime
20 and further increasing their budget. Giving them
21 less work will only reduce the crimes they stretch to
22 create to justify their budget.

23 I have paid over \$1,100 in the last years in
24 taxes and I want to see the swapping of the police
25 budget and education and other social services

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1
2 budget. I see City Council not getting defensive and
3 thinking instead of what they can do better. We need
4 our other public servants, the NYPD to do the same.
5 Today, when criticized about the failures recorded in
6 the weeks past, the NYPD would become defensive
7 instead of apologetic and future thinking. This is
8 exactly part of the reason we have the stress towards
9 the police force.

10 Knock your self off your pedestal and know that
11 you can be wrong. Be accountable, admit your
12 mistakes and don't make excuses. Regarding the
13 legality of recording police officers, who decides
14 what is intimidating of a recording party, the
15 police's union? We're all painfully aware of
16 officers arresting first without giving a reason,
17 dodging the question of why they are being arrested
18 then when the party is sufficiently gaslighted the
19 charge comes with resisting arrest.

20 I don't want to see NYPD treat this more
21 seriously. I want to see a zero tolerance policy
22 regarding an arrest without a reason. In regards to
23 chokeholds, hold them accountable. I cannot wait, I
24 can but it's going to happen. To see a cop choke
25 someone out. Be recorded on it, it not go viral and

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1
2 then the police union reviews it, arguing their best
3 that the force was reasonable and necessary at the
4 time and have the suspended officer be transferred
5 off to another county or city or state while they
6 continue to act how they have.

7 Add the word intentional to the bill, it sounds
8 like they just want to review any case that happens
9 and say, oh, this wasn't intentional and just let
10 your officers do it anyway. I want to be clear, I am
11 scared to be here and talking and everyone should be.
12 Have we not seen the NYPD get vindictive and petty
13 and their revenge targeted harassment. Threatening
14 inaction or increased time in responses to calls. I
15 believe I, and anyone else that speaks in the
16 slightest against the police force are reasonable in
17 the fear that should they have a need for the public
18 service that the police is sworn to provide, that the
19 police will drag their feet as apathetically as they
20 can intentionally as retribution and grudge against
21 our attempts to regulate them.

22 Councilman, can you recount or at least be aware
23 of going forward any time when there is anything you
24 propose or champion that the police did not
25

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1
2 appreciate? Was there any talk or hint that your
3 district is being assigned less resources in turn?

4 There needs to be an overhaul of how all this
5 works. This is my first City Council meeting I have
6 attended and I would be remiss to think I have the
7 answer but given the history of the police and having
8 a conflict of interest in governing and policing
9 themselves, you would be remiss to think that the
10 police have the answer either.

11 Councilman Holden, I don't know what blackmail
12 the NYPD has on you, but it's probably not worth
13 having your grandchildren hate you.

14 Thank you. I'm finished.

15 COMMITTEE COUNSEL: Thank you. We are now back
16 to the individuals who deferred. Next up will be
17 David Moss followed by – I'm sorry one moment.

18 CHAIRPERSON RICHARDS: Oh, Alexander, how are
19 you? How are you doing? This is Donovan; I just
20 wanted to say thank you for attending and I don't
21 want this to ever be certainly your last City Council
22 hearing. I really appreciate your words and just
23 wanted to let you know that. And to say that, we
24 need you. You know, a lot of you, this is your first
25 time attending a Council hearing. You can attend

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1
2 them virtually too, I mean, I just want to put that
3 information out there for everyone as well. You
4 don't even have to watch them during the day. I mean
5 channel 74 we have and then also everything is loaded
6 up online, so you can always watch them in your spare
7 time and also, you have the opportunity to submit
8 testimony, even if you don't attend. But I just
9 wanted to let you know, I appreciate your words and I
10 appreciate you attending and for those of you, we
11 know that this has been a process now. A lot of
12 people are now getting a peak into how government
13 operates somewhat, whether it's good or bad. There
14 have been a lot of battles you wanted us to speak
15 about battles with the NYPD. I mean, let's talk
16 about marijuana to start. My community led the city
17 in marijuana for decades. One in five arrests were
18 in my community and that was something we changed
19 coming in. You know, once I became the Chair about
20 two and a half years ago, we looked at all of the
21 precincts and we got to see that they were
22 disproportionate impacts on communities of color and
23 we passed legislation back then to require every
24 precinct in New York City to report where the arrests
25 and summonses are.

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1
2 There were 20,000 arrests and summonses when I
3 became the Chairman. I think last year we got down
4 to 300 but the disparity still exists. So, we're
5 still working. So, you know, one of the things I
6 want to say is that struggle is not an overnight
7 thing. It's not going to be magic hearing and the
8 NYPD changes.

9 So, you know the conversations around dismantling
10 and reimaging policing in New York City, I thank all
11 of you. I thank each and every one of you for
12 showing up because you are giving us the wings to be
13 able to do that as well. So, I just wanted to say, I
14 appreciate that. Please, don't let this be your last
15 time attending Mr. Alexander alright. We need your
16 voice; we need all of your voices.

17 That's what's really going to drive the change as
18 well. It's just not a magic wand for elected
19 officials. It's really the people collectively with
20 elected officials who have your interests in moving
21 these sort of policies and when you do that, I'm
22 telling you, you'll get what you are seeing today.

23 So, I want to thank you for attending and just
24 want to say thank you.
25

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COMMITTEE COUNSEL: Thank you Chair. We will now go to Theo Chino before the individuals who deferred.

SEREANT AT ARMS: Time starts now.

COMMITTEE COUNSEL: Theo Chino, are you there? We can try that again in a minute. I'm going to read the names of the individuals who deferred and I'm going to ask that everybody else who has not had an opportunity to testify -

I'm sorry, one moment Mr. Chino. We'll be with you in just one second, okay.

Everyone who has not yet had an opportunity to testify but would like to testify, please use the Zoom hand raise function to let us know and we will add you to the list.

After Mr. Chino, we will return to the individuals who deferred earlier, that's David Moss, Michael Nusbaum, and several others. Mr. Chino, you may begin.

SERGEANT AT ARM: Time starts now.

THEO CHINO: Thank you very much. Sorry for that. Yes, I just wanted to say the bill and proposal are a first step. I have lived in New York for 47 years. I came when I was three months old and I've been checked, my ID has been checked at gunpoint

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1 in front of my apartment. So, that's nothing new.
2
3 In the 90's that's how a Latino in the 30th precinct
4 used to be frisked before check and frisk was done.

5 I'm glad this happening and I realize over the
6 discourse that I am running a program called, red my
7 block to introduce everybody to politics in New York
8 City and I'm working with a candidate for congress,
9 Papers boy love, Prince and I realize he has been
10 receiving death threats as part of his campaign.

11 And he went to the NYPD and as a Black man, I
12 realized how difficult for him asking help to the
13 NYPD was and for me I've been a member of my
14 community board, I've been on the public safety. I
15 deal with the NYPD. I call 911, they come. I fight
16 with them, they push back. We go through the same
17 hurdle every time but they know the drill and here I
18 realize that for six months, I'm like dude, call 911.
19 You getting death threats as a candidate and nothing
20 until he went, he called, he couldn't file a report.
21 He received texts and still the NYPD is not doing
22 anything.

23 So, I heard all of the testimony previously, so
24 I'm not going to repeat it and it came from Black
25 people, Latino people, White people, and the degree

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1
2 of intensity is completely different. One thing I
3 heard and that was Alexander a little bit earlier
4 which was saying the PBA, and when I hear how the PBA
5 and Pat Lynch as a racist individual, put the NYPD at
6 war against us, the citizen, basically there is a
7 problem. And we need to figure out how to help.

8 And as a citizen of New York, I'm a troublemaker,
9 as you some knows. I want to put a disposal,
10 [INAUDIBLE 5:37:14] brave enough to run against Pat
11 Lynch as PBA President. And I'm putting on my block
12 website at their disposal to those officers who feels
13 like they can't do a change but every time they want
14 to do a change, they feel the blue code. I want to
15 have a way to get those officers and I know my time
16 is up, so I will go quickly. But I want to know with
17 the help of the City Council, that those officers
18 will have the backing on the community -

19 SERGEANT AT ARMS: Time expired.

20 THEO CHINO: Promise not to be racist, they
21 promise to serve the community and if they can still
22 change, I'm available for that.

23 Another thing I didn't see in the bills today is
24 the Post Act. Knowing what technology, the police
25 has is very important. We need Councilman Johnson,

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1
2 Speaker Johnson to put it on the floor because we can
3 remember how in Baltimore the police bombed Baltimore
4 in the 80's. the police chief has put Iraq
5 technology flying above Baltimore without telling the
6 Mayor or the City Council. Things like that are not
7 unheard and when we hear how the police come to the
8 Council and are disrespectful to you, the Council
9 people, it makes me say what am I voting for? Why am
10 I fighting to see something

11 democratic? When the police is seeing us as an
12 enemy. Enemy of the city we live in, we love.

13 So, this is what I'm doing with Red My Block. Is
14 I want to educate everybody in New York City to run
15 for office, run for position, help you figure out how
16 we can fight the police in a way that is not as enemy
17 but work together and for that, we need the City
18 Council to call for Pat Lynch to resign and to move
19 on.

20 Thank you very much. I yield the time of my time
21 and I put any explicative, even though I think about
22 them.

23 COMMITTEE COUNSEL: Thank you very much. We will
24 turn to David Moss.

25 SERGAENT AT ARMS: Time starts now.

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1
2 DAVID MOSS: Hi, my name is David Moss, I'm a
3 lifelong resident of New York City and a former
4 member of Council Member Corey Johnson's staff from a
5 few years ago. I'll speak first about what I
6 witnessed in Mott Haven in the South Bronx on June
7 4th.

8 I arrived there to attend a protest against state
9 violence against Black people, particularly NYPD
10 violence against Black New Yorkers. These are the
11 names of just a few of the people who have been
12 killed and raped by New York City law enforcement
13 officers during my lifetime. Basically, everything
14 that was said about the Bronx march is true. The
15 cops has us already kettled in ten minutes before the
16 curfew.

17 Frankly, they looked like they were ready to beat
18 down protestors hours before we even started walking.
19 They were buzzing around. They were there just ready
20 to bust heads. At 8:00 sharp, they came in hot with
21 their batons and their pepper spray. I saw an
22 officer get on top of a car with his Billy club just
23 beating downwards onto peoples heads. Alright, they
24 were clubbing people, they were punching people, they
25 were pepper spraying people, they were throwing

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people into cars, they were throwing people into fences, onto the street.

I never saw any of the protestors put a hand on a cop or do anything like that. All of the violence was going one way. It was just cops being violent on peaceful protestors who just five minutes earlier were just walking down the street chanting for some justice. Some people needed to be taken away on stretcher's, people were crying, people were expressing physical pain to officers who literally were saying to them, stop faking it. And they just let them sit there. I heard that so many times. At various times, I asked officers why they decided to beat down protestors that night and many of them said back to me, I was following orders. How disturbing is that? How fucked up is that? Should those people have guns? No.

Compared to many people there, as has been said before, I was not physically harmed for obvious reasons. Those cops were going really, really hard against all the Black and Brown people there and they treated me like a damn prince in comparison alright, but I was handcuffed with those zip ties tightly around my wrists, hands behind my back standing up

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for seven and a half hours, mostly on my feet in the rain. No food, no water and yeah again, compared to everyone else, that was nothing.

They took us to Queen Central Booking, just to make our lives more difficult because the subways weren't running that night. So, they took us to some different borough, to Kew Gardens when we stared off in the South Bronx just to screw with people.

When I was in Queens Central Booking, in the cell, they brought in this young kid who just had blood all over his face and it started from right here, that's where he got cracked over the head. It was right here and his blood was just over his face, dried. It has been there for hours. He wasn't in the hospital he was in —

SERGEANT AT ARMS: Time expired.

DAVID MOSS: Queens Central Booking at 3:30 a.m. What the hell and this, it was all for this. This is what we ended up with. A ticket for disobeying a curfew. You can go fuck your curfew, alright and it's your curfew. It's your curfew, Corey Johnson. It took you five days to call out this curfew. How many thousands of people were beaten and arrested before you called out this curfew.

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1
2 Earlier in your opening statement, you said it
3 doesn't matter what people did in the past, it's just
4 important that we do things in the future. You know
5 what, it does matter. It does matter. It matters
6 that six months ago, you were so proud of yourself
7 for building new jails in every borough. You know,
8 it matters that you weren't there for people. It
9 matters that you've been putting your own interests
10 before Black lives.

11 Alright, that matters, alright. So, when it
12 comes to these bills that are happening today,
13 chokehold ban, not covering badges, us being able to
14 take our cellphone videos on the street. Great,
15 fine, pass it but please move it along to other
16 bigger, more important things because that won't cut
17 it. It's not enough, alright. You are the City
18 Council, you just throw around money, that's what you
19 do, you make budget. Use it for some good. Defund
20 the cops, put that money into communities alright.
21 The communities that have been getting looted since
22 the fucking beginning, alright.

23 You can use that money to create reparations in
24 the City of New York. Why don't you use your money
25 towards that for Black and indigenous people,

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1
2 alright. You can make the choice as the City Council
3 not to build new jails in every borough. You can
4 make that choice. You can do something about
5 gentrification and how real estate mobiles are just
6 robbing Black communities away from them, alright.
7 These are the things you need to be worried about
8 alright. Think bigger please, please, think bigger.
9 I've worked in the City Council, I've seen up close
10 and personal how City Council Members think about
11 their reelection, their campaigns for Mayor. They
12 think about real estate interest, they think about
13 police unions before they think about Black lives.

14 And Council Member Richards, I'm not calling you
15 out personally, I don't have a basis for doing that
16 but I worked in the Council for two and a half years
17 alright, this is true. I am calling out the City
18 Council as an institution and all of the Council
19 Members who put their interests first, okay. Because
20 I've seen it alright, so think bigger.

21 Honestly, get with the real solutions or get out
22 of the way, please.

23 Thank you.
24
25

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COMMITTEE COUNSEL: Thank you for your testimony.
Next up will be Michael Nusbaum followed by Marie Deluca, Alex Payne, and Mads Shiver.

If I have not called your name, please raise your hand using the Zoom hand raise function and we will call you after. Michael Nusbaum.

MICHAEL NUSBAUM: Good evening, can you hear me?

SERGEANT AT ARMS: Starting time.

COMMITTEE COUNSEL: Yes.

MICHAEL NUSBAUM: Thank you. Thank you so much to everyone who testified and briefly shared their stories. Thank you to everyone who stayed on this long. I'm a Brooklyn resident. I'm a photographer and a filmmaker. I've been covering protests and actions for the last nine years. I want to speak on the issues of badge numbers and the right to record. Police need to be held accountable for violence and misconduct. And that can't happen unless we can identify them. I've been out marching and filming and taking photos every day since Friday the 29th and every day as recently as last night at 6:58 p.m., I see officers with black sweat bands and even black duct tape hiding their badge numbers. I'm sure I

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would have seen more today if I weren't on this call for nine and a half hours.

When I ask for their badge number, I'm either ignored, given a smug remark or in some cases, they, or their white shirt lieutenant next to them immediately get physical with me, start shoving me and swap my camera away. How does this make us safer? How can we trust or expect justice if they won't stand behind their own actions and identify themselves?

And on that note, the police must also stop interfering with our constitutional right to record and take photos with our without a press pass. That means police must stop shining flashlights into our camera lenses. Stop with the L-RADS[SP?]. I've been hit with a baton and repeatedly shoved to the ground without warning all for holding up a camera. I have video to prove it and I still have bruises on my legs over a week later.

If a public servant on a public street can't handle having their actions documented, they have business wearing a uniform. Patrol Guide memos do nothing for us. The police do not effectively self-regulate and honesty why even would they? These

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1 bills, yeah, they are a nice start. They would have
2 been a really good step maybe six or ten years ago,
3 but we know that reforms are not enough.

4 We have to defund and put that money where it can
5 help people who need it most. We need money for
6 education, not incarceration.

7 Black lives matter, Black trans lives matter. I
8 yield my time.

9 COMMITTEE COUNSEL: Thank you. Marie Deluca
10 followed by Alex Payne and Mads Shiver.

11 SERGEANT AT ARMS: Time begins now.

12 MARIE DELUCA: My name is Marie Deluca and I am
13 an emergency medicine doctor in New York City. As a
14 doctor and a street medic, I have seen people and
15 treated people with baton injuries, concussions,
16 nerve injuries, lacerations, chemical weapons
17 injuries, and severe psychological trauma.

18 All inflicted by the NYPD in the last two weeks.
19 The most severe violence was inflicted by police
20 against Black and Brown people. I have worked in
21 busy trauma centers and at many protests and I am
22 deeply disturbed by the violence I have witnessed by
23 the NYPD here on the streets of New York in the last
24 two weeks.
25

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I attended the protest in the Bronx on June 4th as a street medic to render medical care to protestors. I was wearing these scrubs and I was thrown on the ground by a police officer, forcibly pinned down and arrested. I also witnessed the police violence described today by all the other people who attended that protest.

As a doctor who has treated hundreds of patients with COVID-19 at the height of the pandemic in New York, I know that the crowding and lack of sanitation in the jail cells they placed us in put us all at risk of COVID-19.

In the small cell I was crammed in with twelve other people, there was one toilet, which had blood on the seat and feces on the floor. There was a dirty sink without soap and there was no hand sanitizer.

When an arrested person asked for a mask, an officer told her to take the mask from him with her teeth. After months of struggling to save people from COVID-19, I am horrified by these conditions, this violence, and the danger they put us all in. I'm appalled to hear police compare CPR to a chokehold. That the NYPD conflates a medical

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procedure to save someone's life to a deadly act of violence. It tells us all that we need to know about their understanding of public safety and public health.

None of the resolutions the City Council discussed today would have prevented the violence I have experienced and witnessed from the NYPD. The police are a violent tool of White supremacy. For public health and safety, we must abolish the police and abolish the prisons.

I yield my time.

COMMITTEE COUNSEL: Thank you for your testimony. Alex Payne followed by Mads Shiver.

SERGEANT AT ARMS: Time begins now.

ALEX PAYNE: Hello, my name is Alex Payne and I am a Brooklyn resident. Thank you to everyone who stuck around. I'm going to try and make this quick.

I'm here because of the ongoing unjust treatment of Black communities and all oppressed people in our city, especially at the hands of the racist and murderous police force. But I will limit my time to attest to the police brutality and intimidation I've seen firsthand and experienced at nonviolence protests against systemic oppression.

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On June 1st, I participated in a nonviolent protest at Barclay Center. At one point the police lined up across the street and told protestors to move to the sidewalk. Protestors obeyed and police started marching forward in riot gear with their batons out. They continued onto the sidewalk and started pushing people back even though they were acting in accordance with the demands.

I did not see any protestors fight back or do anything but stand on the sidewalk and still police started knocking into people. They began arresting a man who was obeying this order. I was asking the arresting police what the man had done wrong, when an officer to my right hit me with a baton and knocked me into the street.

I fully recognize that these abuses are very small in relation to a lot of the brutality that I witnessed that night and in other days of protests but I believe it speaks to the scale on which this brutality is occurring.

On that same night, I also witnessed a police officers turn a flare that was firing to side of the street, turn it towards a group of protestors and then run back to his line of police. A protestor ran

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out to the flare and began to stomp it out when he was thrown to the ground, swarmed by police, and arrested for his heroic efforts.

I have video evidence of this occurring. These stories are now sounding familiar and that's exactly the point. I appreciate the efforts of many City Council Members in reacting to these brutalities and the racial oppression that we as protestors are working to end but we need so much more.

You can count on me to continue to press you and all elected officials to pass the strongest measures including abolition.

Thank you. I yield my time.

COMMITTEE COUNSEL: Thank you. And last up is Mads Shiver.

SERGEANT AT ARMS: Time begins now.

MADS SHIVER: Hello, thank you to everyone still here. I will make this brief. I want to use the majority of my time to also talk about the protest that happened in the Bronx on June 4th. I want to confirm everything that everyone already said about that protest and just add a couple extra points.

Noting that although I've been to a number of protests across the boroughs, the Bronx protest was

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1
2 the only one where I saw police in such extensive
3 undercover riot gear with their little lime green arm
4 badges or whatever those are called. I have no words
5 to describe the Bronx protest other than a peaceful
6 and educational stroll through the neighborhood. It
7 was one of the smallest groups that I've been a part
8 of and it was the shortest march that I have been a
9 part of and I have been out almost every single night
10 for the last week and a half.

11 It certainly was a coordinated attack on the
12 Bronx without a doubt. I mean, it wouldn't be an
13 exaggeration to say they probably had three cops per
14 each person that was demonstrating and marching that
15 night. I was at the back of the crowd, but I'm told
16 that at the time that the police started kettling us
17 at the site of mass arrests which happened on East
18 136 and Brooke Ave intersection, the front of the
19 crowd was paying their respects to a restaurant in
20 the neighborhood that's been a strong hold for years
21 and has also been providing mutual aid food support
22 to the community during the time of the pandemic.

23 The kettling started happening long before curfew
24 and once they started to get us on the intersection
25 that I just named earlier, the cops in undercover

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1 riot gear started rushing down the sidewalk to catch
2 people on the other end.

3 They held us there, they grabbed at least one if
4 not two people at around 7:55, so prior to the
5 curfew. At which point, we had already been on that
6 intersection blocked by police on both ends for some
7 time. The crowd started asking for us to be able to
8 leave. There was no orders to disperse prior to them
9 kettling us and there was no person allowed to leave
10 the group.

11 From the back of the crowd, the second the clock
12 struck 8:00, I have a photo of the police presence at
13 the front of the crowd at 7:59 p.m. The second the
14 clock struck 8:00 cops at the back of the group in
15 undercover riot gear with bicycles started plunging
16 their bicycles into the back of the crowd, so that
17 the front of the crowd was pushed forward towards the
18 army of police in front of us. Cops came up, a cop
19 grabbed me by my left wrist while the other one
20 reached for my neck. I almost saw, I felt like I saw
21 the moment in his eyes where I think he, I assume
22 could only have realized that it was probably not the
23 right idea to grab people by the neck. So, he let go
24 – indeed, the videos on Instagram, you should
25

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definitely all check them out because they are circulating wide.

The second he let go of my neck, he started punching me in the rib cage. At which point another officer, this is all while an additional officer is still holding my left wrist. Another officer grabbed me by the back of my head by my hair and pulled me forward and threw me to the ground. Once I was face down on the ground, someone pushed my face into cement.

SERGEANT AT ARMS: Time is expired.

MADS SHIVER: People were still hitting me from the back and I have bruises. In addition to that, all I can say is that what I saw that night was a blood lust from the cops to get towards the people in the crowd which were mostly Bronx residence. And they also terrorized people in an apartment housing complex that was right across the street from us. Of which most of the people were just coming out to videotape the brutality that was happening.

I know I'm over time and I'm not going to hold any further time from you all but it's atrocious what we saw. It doesn't just happen during the protest,

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that was a coordinated attack on the Bronx that I know has been going on for far too long.

So, I urge the Council Members to please push beyond the reform that was mentioned today because it will not do enough. \$1 billion will not do enough and I think you need to listen to your constituents more than you need to listen to the political power of the police.

COMMITTEE COUNSEL: Thank you for your testimony. I see that we have one hand raised. We will go to Nagiya Hussain.

SERGEANT AT ARMS: Time begins now.

NAGIYA HUSSAIN: Hi, I spoke already. I don't want to take too much time other than to say two things. I see the Council Members who have their videos off. We have all been here. We've all been working our day jobs and doing this. Keep your videos on, we know you are not paying attention. We know, we see you.

And my other question is to Council Member Richards. We've been here for hours telling our story, listening to trauma, holding space for this community and I want to know, why? Clearly our elected members don't have enough power over the NYPD

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2 to force them to sit here and listen the way they
3 should have.

4 So, why are we here? What is going to happen?
5 We have been here for nine hours, what is going to
6 happen next? Why? You were telling Alexander that
7 this should not be his first meeting and he should
8 come back again, why? We are not being paid for our
9 time. We are not being paid for this. Many of us
10 are losing incomes so that we can be here and hold
11 our elected officials and the NYPD accountable and
12 they are not here and they have their video's off.
13 So, why should we come back again? Why should we
14 trust you? What is going to happen next? Can you
15 let us know? Can you tell us? And how do we hold
16 others accountable when that doesn't happen.

17 Thank you.

18 COMMITTEE COUNSEL: We have no more witnesses, so
19 we will turn to the Chair to address that and close.

20 CHAIRPERSON RICHARDS: Well, thank you. Well,
21 let me just thank you for your statements and
22 comments and they certainly were all on point. And
23 let me just – you know, just to sum up the role,
24 because I think that's very important for people to
25 know the role of the City Council. We're an

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oversight body over the NYPD. They don't work — we don't work for them; we want them to work for us but it's really our obligation to hold them accountable through legislative actions as we have over the course of the last few years and it still has not been enough. Let's be clear. 400 years of a system and even the little progress we've made, which has been substantial in some areas. I'm not here to say that in areas like marijuana, justice, and the gang database where there were 50,000 Black young men and women in that database, we go them to look at that database, although there is still a lot more work to be done.

You know there are a lot of different areas that we've made some progress on in the Council and it's still a long — you know, this is a long term struggle and that's what I want to remind people of today that you know, telling — I think somebody talked about you know, being faced with the challenges around sexual assault. We held a hearing I think one of my first hearings was on the sexual victims division and revamping it and now we're going to have five new facilities across the city, so that when people are victimized they can be treated with dignity and

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2 respect, especially trans and Black and Brown women
3 who are notoriously treated differently when they are
4 being questioned by the NYPD during accounts like
5 that.

6 So, what happens next from here. All of the
7 legislation that you've heard today except my bill,
8 we did not hear today which was something we were
9 working on for over a year when the disciplinary
10 matrix and I want everybody to remember these two
11 words, disciplinary matrix. Because right now the
12 NYPD has no framework on discipline. You know one of
13 the things this committee did was challenge
14 Commissioner O'Neill over I think it was maybe a year
15 and a half ago on their discipline and out of that
16 came US attorney's and others who took an outside
17 view, an outside look at the NYPD's in a disciplinary
18 system.

19 And even as they did that, they didn't even get
20 all of the information that they wanted. So, I just
21 want to put that into perspective. These are US or
22 former US attorney's who also you know, were tasked
23 with investigating the NYPD'S disciplinary process
24 and still was sort of — did not even get all the
25 information we were looking for. So, we all have

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those challenges but one of the things this committee can do just as we are doing today is, we can force them through law to do certain things.

So, I'm proud of all of the things that are going to happen today and you are totally correct, I don't even know why were here to force you to have to adhere to allowing the public to practice their civil liberties, their rights, their right to protest, their right to record.

I mean, as a police officer, you should not block your badge. How is this allowed? How are you allowed to be on the streets without a mask? You know, these are all the same questions we ask and it does get frustrating. This is very frustrating, don't get me - for many of you this is your first hearing but we do this you know at least once or twice a month on different subject and topic areas and it does get frustrating but even through frustration, we can't give up. We got to keep marching, we got to keep fighting.

As we were on this line, 50-A was repealed at the state level. I mean, that's something we were asking the Commissioner and Mayor about since I've been Chair for two years. When are you going to go out

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2 there and fight for it? We can raise our voice but
3 Albany has to change, the Mayor reinterpreted it. It
4 does get frustrating, but one of the things I want to
5 say is when you rise up, when people rise up and come
6 together and you come to hearings and you participate
7 and you go out there and march and you make your
8 voices heard and your Tweet and your email, that is
9 civic engagement.

10 Civic engagement brings results if that's the
11 lesson that all of us learn through this process.
12 You know, I gave up home on 50-A. Listen, I mean we
13 were talking about this for years and I'm like, every
14 year, same question during the budget period, when
15 are you going to go up to Albany to reform 50-A?
16 When are you going to stop reinterpreting and you get
17 the same answer.

18 However, you know struggles are long term.
19 That's what Frederick Douglas said, without struggle,
20 there can be no progress. There will be no progress.

21 So, this is a long term struggle and I'm so
22 saddened to hear so many of the stories many of you
23 had to encounter being beaten and hit and that
24 experience is something that I've experienced.
25 That's something many of the people from my community

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2 in Far Rockaway and in South East Queens. Those are
3 our experiences in Jamaica and in South East Queens
4 and in Brooklyn, my friends in the Bronx, we all have
5 the same stories.

6 But one of the things that's unique about this
7 moment in history is that its brought everybody
8 together. There was something about George Floyds
9 death that spark and lit a match under everyone.

10 Sean Bell was my neighbor and for those of you who
11 don't know who Sean Bell was, Sean Bell was a young
12 African American, maybe a few years older than me,
13 maybe a year or two, who was killed in 50 bullets.
14 He was shot 50 time by the NYPD.

15 You know, we marched back then but we didn't have
16 this amount of support. I'll be honest, you know, we
17 were marching alone. You know, I'm still very close
18 to his wife. I'm still very close to his kids, to
19 his mom, to Nicole Bell's mom. You know, so, this
20 struggle is long. It's not something new.

21 Now, how do we dismantle it and utilize this
22 opportunity and this momentum to really shift long
23 term change and dismantle this system that has
24 oppressed people who look like me for far too long.
25 How do we reignite this flame and ensure that we are

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2 reimagining policing and yes, defund and pull out
3 money out of the NYPD's budget? I certainly have
4 made it clear; I will not be voting for a budget that
5 does not substantially cut the NYPD's budget to
6 reinvest.

7 My community for instance in Far Rockaway, we
8 lost 800 people to COVID. Alright, we were the
9 second hardest hit in New York City because of those
10 disparities that we've tried to address over the
11 years but there is always those budgetary concerns.

12 So, what are out priorities as a city?

13 So, yes, the public, all of you, and those of you
14 who even cursed at me. That's good, we need that
15 energy. You got to hold your elected officials
16 accountable but also, it's important to know which
17 elected officials have been doing work, so you got to
18 learn the history so you can understand who has been
19 doing what and who do you need to press hard, right.
20 So very important to know history and not jump up at
21 everybody and I'm not getting defensive because I can
22 take it. I got broad shoulders, I'm a Black man in
23 America. I better have broad shoulders. I can take
24 it because we've taken a whole lot and you know; I'll
25 just check some of you though. You know, you can't -

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I want to be politically correct, but as a Black man, some of you all were talking, I mean I'm a Black Chair. The way some of you cursed at me, check your privilege, I got to say that.

So, these are our experiences in America and we have to all figure out how do we collectively utilize this moment to work together to build change and that's really what this exercise is about. These bills are a step, they are not a magic bullet. There is no calvary coming to save us. Because if that were true it would have happened 400 years ago.

However, we fight, we struggle, that's what the civil rights movement was about. That is what today is about, young people rising up and finally getting fed up. Beautiful, we need that energy.

So, hold us accountable, look at the budget, these hearings are once a month or at least twice a month, sometimes I able to get two. I give my committee, we give them extra work, it's a lot of work to put these things together and it's a lot of work to move the political winds - to move these things.

You know, I remember PBA, Pat Lynch has been attacking me for years, for years, for years. So,

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2 you know, we need people to be united with us in this
3 struggle, so that we can really affect change and
4 together we can do it. If we are all aiming at each
5 other rather than in the direction we need to go,
6 we'll never see the progress we need to see.

7 So, with that being said, I want to begin to
8 close this hearing out. I want to thank Daniel Ades,
9 for his work, my Legislative Counsel, Joshua
10 Kingsley, thank you. Matthew Thompson thank you.
11 Nevin Singh thank you and Sergeant at Arms. Sergeant
12 at Arms are not the NYPD. These are people from our
13 community so just because they got a Council badge on
14 doesn't give anybody the right to disrespect them.
15 They work hard and they damn sure take a lot of slack
16 for us a lot of times as well but they are always
17 professional and the sort of people we want, even if
18 they were in law enforcement, these are the sort of
19 people we want in law enforcement because they come
20 from our communities and they understand how to treat
21 everybody with true CPR.

22 So, with that being said, I want to thank you all
23 for coming out. It's been a long day. I want to
24 thank all my colleagues. I want to thank the
25 Speaker; I want to thank Jumaane Williams and urge

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all of us to keep marching. Keep marching, keep holding us accountable and lets get this things done. I'm not giving up hope, the future is brighter than it's ever been.

God Bless you all. Have a great evening. This hearing is closed. [GAVEL]

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date April 1, 2018